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1 - VOLUME B -

2 IN THE UNITED STATES DISTRICT COURT

3 IN AND FOR THE DISTRICT OF DELAWARE

4 - - -

5 UNITED STATES OF AMERICA, : CRIMINAL ACTION
6 Plaintiff :
7 v. :
8 DARRYL CHAMBERS, :
9 Defendant : NO. 97-105 (RRM)

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U.S. CLERK
DISTRICT COURT
OF DELAWARE

FILED

10 - - -
11 Wilmington, Delaware
12 Tuesday, September 1, 1998
13 9:03 o'clock, a.m.

14 BEFORE: HONORABLE RODERICK R. McKELVIE, U.S.D.C.J.

15 - - -

16 APPEARANCES:

17 ROBERT J. PRETTYMAN, ESQ.,
18 Assistant United States Attorney

19 Counsel for Plaintiff

20 JOSEPH W. BENSON, P.A.
21 BY: JOSEPH W. BENSON, ESQ.

22 Counsel for Defendant

23 Valerie J. Gunning
24 Official Court Reporter

25

ORIGINAL

1

2 P R O C E E D I N G S

3

4 (Proceedings commenced at 9:03 a.m.)

5

6 THE COURT: All right. Proceed.

7 MR. PRETTYMAN: Good morning, your Honor.

8 THE COURT: Good morning.

9 MR. PRETTYMAN: I'm not sure whether Mr.
10 Benson is finished from yesterday or not, or what the
11 exact status is.

12 THE COURT: I think he is; right?

13 MR. BENSON: With the --

14 THE COURT: With whatever presentation you
15 want to make --

16 MR. BENSON: I'm intending to call the
17 defendant at some point.

18 THE COURT: Okay. Do you want to go ahead
19 and put --

20 MR. BENSON: I thought Mr. -- or Detective
21 Sullivan might testify.

22 THE COURT: Do you want to put your witness
23 on, and then we'll get Mr. Benson to put his client on?

24 MR. BENSON: That's fine. Thank you.

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2 PLAINTIFF'S TESTIMONY

3

4

CONTINUED

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6 ... DETECTIVE LIAM SULLIVAN, having
7 been duly sworn as a witness, was
8 examined and testified as follows...

9

DIRECT EXAMINATION

10

BY MR. PRETTYMAN:

11 Q. Detective Sullivan, by whom are you employed?

12 A. City of Wilmington, Department of Police.

13 Q. How long have you been employed as a police officer
14 for the City of Wilmington?

15 A. Almost 15 years now.

16 Q. What is your current assignment?

17 A. I'm assigned to the FBI Violent Crimes, Fugitive
18 Task Force.

19 Q. And as part of your duties with that FBI Task Force,
20 do you also investigate cocaine and cocaine base, also
21 known as crack cases, trafficking cases?

22 A. Yes.

23 Q. Before you became assigned to the Task Force, did
24 you also serve on another federal Task Force?

25 A. Yes.

Q. Drug Enforcement Administration Task Force; is

1 that correct?

2 A. Yes.

3 Q. And how long did you serve on that Task Force?

4 A. I believe it was two years.

5 Q. As part of your duties on that Task Force, did you
6 regularly investigate cocaine and cocaine base, also
7 known as crack cases?

8 A. Yes.

9 Q. As part of your duties with the Wilmington Police
10 Department, did you ever serve in the Wilmington Police
11 Department Drug Unit?

12 A. Four years.

13 Q. And during the course of those four years, did you
14 have occasion, on a regular basis, to investigate cocaine
15 and cocaine base, also known as crack cases?

16 A. That, in that capacity, basically I worked crack
17 cocaine cases, the majority of my tenure as a police
18 officer.

19 Q. Do you see the Darryl Chambers who's the subject of
20 the statements and the testimony of Linette Crawford and
21 Faye Bullock and who you arrested on December 8th, 1997
22 in the courtroom today?

23 A. I do see him at the defense table, in the
24 sweatshirt with the beard.

25 MR. PRETTYMAN: Your Honor, may the record

1 reflect the witness has identified the defendant?

2 THE COURT: Yes.

3 MR. PRETTYMAN: Thank you.

4 BY MR. PRETTYMAN:

5 Q. Approximately during the course of your whole career
6 as a police officer, how many cocaine and crack cocaine
7 cases have you participated in?

8 A. I can give you a low end.

9 Q. Whatever your best recollection is.

10 A. The low end would probably be around 5,000.

11 Q. Approximately how many cocaine and crack cocaine
12 search warrants have you participated in?

13 A. Over a hundred.

14 Q. Approximately how many debriefings of cooperating
15 defendants and defendants and witnesses have you
16 participated in involving cocaine and crack cocaine
17 investigation?

18 A. Literally thousands.

19 Q. Have you ever testified in State and/or Federal
20 Court as an expert on cocaine and crack cocaine
21 investigations?

22 A. At one point or another I've testified in every
23 Court in the State of Delaware as an expert.

24 Q. Approximately how many times have you testified
25 as an expert on cocaine and crack cocaine?

Sullivan - direct

6

1 A. I'd have to give you an estimate on that.

2 Probably around 50, maybe.

3 Q. Do you regularly review the literature that comes
4 out from law enforcement on cocaine and crack cocaine
5 distribution and investigations?

6 A. Yes.

7 Q. Do you regularly and consistently talk to other law
8 enforcement experts in the field of cocaine and crack
9 cocaine investigations and distribution?

10 A. Yes, sir.

11 Q. Have you done that during the course of your time
12 as a police officer who investigates drug crimes,
13 including your times on the two Task Forces, the federal
14 Task Forces?

15 A. That's correct.

16 Q. As part of the -- part of your duties for the FBI
17 Task Force, the DEA Task Force and a Wilmington Police
18 officer, have you seen and seized cocaine base, also
19 known as crack?

20 A. Yes.

21 Q. Approximately how many times?

22 A. Thousands.

23 Q. The same question in connection with cocaine,
24 cocaine hydrochloride:

25 During the course of your duties as a law

Sullivan - direct

7

1 enforcement officer, approximately how many times have
2 you seized or seen cocaine hydrochloride?

3 A. Same answer: Thousands.

4 Q. What is the appearance, including the color and
5 the texture, of the seized crack cocaine that you've
6 seen or seized as part of your law enforcement duties?

7 A. I'd say 99 percent of the time that I've seized
8 crack cocaine, it has the appearance of an off-white
9 or yellowy-type, rocky substance.

10 Q. Clump-like, rocky?

11 A. That's how they get the street term of rocks.

12 Q. Have you ever seen crack cocaine that was wrapped
13 in plastic with duct tape in order to -- the duct tape
14 to keep the plastic together and sealed tightly? Have
15 you ever seen that as part of your law enforcement
16 duties?

17 A. Yes.

18 Q. Approximately how many times have you seen that?

19 A. Hundreds.

20 Q. What is the appearance, including the color and
21 the texture, of the seized cocaine hydrochloride that
22 you've seen before as part of your law enforcement
23 duties?

24 A. White, crystally-type powder substance. Sometimes,
25 when it's in the transportation phase, or when it's

1 taken off what they call the block, which is what's
2 referred to as the kilo when you buy at times, it
3 comes off as in chunks. Usually when it's in the
4 condensed packaging type, it will have the appearance
5 at times of being crack cocaine, but, in fact, it's not.

6 Q. Okay.

7 In terms of that, the chunks that comes off
8 the block -- is brick another word for the block?

9 A. There's block, brick, key, whole.

10 Q. Does that chunk -- have you seen that chunky cocaine
11 hydrochloride and seen it crumbled in the hands or
12 crumbled with a cutting device, such as a razor blade or
13 some other item which can cut the cocaine hydrochloride
14 into the powdery substance that you see on the street?

15 A. I've seen it broken down into powder on numerous
16 occasions. Some with pharmaceutical-type utensils, some
17 with street-made utensils, some with razor blades.

18 There's a variety of ways of smashing it or
19 breaking it down.

20 Q. Have you ever seen the cocaine hydrochloride that
21 was wrapped in plastic with duct tape, as I previously
22 described, so that it's sealed tightly?

23 A. Yes.

24 Q. Approximately how many times have you seen that?

25 A. Hundreds.

Sullivan - direct

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1 MR. PRETTYMAN: Your Honor, I'm going to
2 show this to Mr. Benson, then I'd like to approach the
3 witness, please.

4 (Mr. Benson handed an exhibit to Mr. Benson.)

5 (Pause while Mr. Benson reviewed the exhibit.)

6 MR. BENSON: Okay. No objection.

7 MR. PRETTYMAN: Your Honor, I've been told by
8 Mr. Benson he has no objection to Government's Exhibit 10-F,
9 which is the lab report that the chemist testified to
10 yesterday, so I would move its admission at this time.

11 THE COURT: All right. It's admitted.

12 *** (Government's Exhibit No. 10-F was received
13 into evidence.)

14 BY MR. PRETTYMAN:

15 Q. Detective Sullivan, Government's Exhibit 10-F
16 (handing exhibit to the witness) is the lab report from
17 Dr. Dasgupta, who testified yesterday. And Dr. Dasgupta
18 analyzed these substances, Government's Exhibit 9, and
19 determined it was cocaine base, also known as crack.
20 Government's Exhibit 10-A, B and D, which appear on the
21 lab reports as B, A and D, and determined that those
22 substances were cocaine hydrochloride.

23 I'm going to ask you to please open the
24 packages and tell me, based upon your training and
25 experience, what you believe each of the substances

Sullivan - direct

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1 were, are, and to tell the Court if that's consistent
2 with the way you've seen those items before?

3 MR. BENSON: Your Honor, I'm going to object
4 only as to it being really cumulative, I think. We have
5 already heard testimony from a number of witnesses for
6 the Government, indicating exactly what that is, including
7 a chemist.

8 I don't know that we need this officer.

9 THE COURT: There's no harm in it if it's
10 cumulative.

11 MR. BENSON: No. It just prolongs the
12 hearing. That's all.

13 THE COURT: I will allow it.

14 MR. PRETTYMAN: Thank you, your Honor.

15 THE WITNESS: I will just go in order here,
16 your Honor, start from this end out.

17 BY MR. PRETTYMAN:

18 Q. Please tell which exhibit number it is when you are
19 opening it so we can keep track on the record. There
20 should be a Government exhibit --

21 A. First off, I have to state, these appear to have
22 already been opened.

23 Q. They were opened in court yesterday.

24 A. Okay. Because this isn't the usual package that
25 you receive from the Medical Examiner's Office.

1 Q. Right.

2 A. It has been tampered with.

3 Q. Right.

4 We're going to go by the exhibit sticker
5 number, the Government exhibit. So this is Government
6 Exhibit 9 you have in your hand.

7 Would you hope that and take a look at the
8 substance inside and tell the Court what that is?

9 A. Government Exhibit 9 is a large quantity of the
10 small -- do you want me to take them all out or just a
11 sample?

12 Q. Take out whatever you need in order to make a
13 determination as to what the substance is in that
14 exhibit.

15 A. I can tell you right now, this is crack cocaine.

16 Q. And is that consistent with the crack cocaine that
17 you've seen as part of your law enforcement experience
18 in the amount of times that you've testified to?

19 A. Yes. There's also some bags in here. They're all
20 with -- well, black horses.

21 And there are some bags with dolphins on it.

22 Q. Do all the bags --

23 A. That is powdered cocaine.

24 Q. The dolphin ones are the powdered cocaine?

25 A. Yes.

Sullivan - direct

12

1 Q. Look through the exhibit and see how many substances
2 in that exhibit is crack cocaine and how many is -- how
3 many are cocaine hydrochloride.

4 A. 242 small zip-lock bags are submitted. 240 have
5 black horses, which is crack cocaine. Again, that's in
6 my experience and training. And there are two plastic
7 bags with dolphins on it that have powder substance
8 which I believe to be powdered cocaine or cocaine
9 hydrochloride.

10 But there's 242, total.

11 Q. Now, the items that are in front of you,
12 Government's Exhibit 9 and the various Government's
13 Exhibit 10, as I previously mentioned, were opened in
14 court yesterday.

15 Could you turn to the next Government
16 exhibit? Well, Government's Exhibit 9, where was that
17 seized from?

18 A. 2602 Bowers Street, which is in Wilmington,
19 Delaware, New Castle County, for the State of Delaware.

20 Q. And was that seized on December 8th, 1997, as part
21 of the search warrant for Faye Bullock's house in which
22 on that same night Darryl Chambers was there and
23 arrested?

24 A. That is correct.

25 Q. Pleasing to the next exhibit.

Sullivan - direct

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1 A. This is Government Exhibit 10-D.

2 (Pause while the witness opened the exhibit.)

3 BY MR. PRETTYMAN:

4 Q. Now, one of these I opened yesterday. Be careful,
5 because it will get on your hand.

6 Please open that up. Government Exhibit 10-D
7 is what?

8 A. I can see it from here. This is what I'm telling
9 you about. It has the appearance of just coming off
10 the block or the brick, but, in fact, it's actually
11 cocaine, powdered cocaine.

12 Q. Okay.

13 A. I mean, by looking on it, it's hard. It has the
14 appearance of being crack cocaine, but just by looking
15 at it, I can tell you that it's powder cocaine.

16 Q. Okay.

17 A. And it is leaking.

18 Q. Where was that seized from? On what date?

19 A. This was also seized at 2602 Bowers Street, again
20 in the City of Wilmington, which is New Castle County,
21 State of Delaware, on December 8th, 1997.

22 Q. Was it seized from Faye Bullock's house as part of
23 the search warrant on the night when Darryl Chambers was
24 arrested there?

25 A. That is correct.

Sullivan - direct

14

1 The next is exhibit -- Government Exhibit
2 10-A. This was seized from 2602 Bowers Street on the
3 8th of December, 1997, again, in conjunction with the
4 investigation involving Faye Bullock and subsequent
5 arrest of Darryl Chambers.

(Pause while the witness opened the exhibit.)

7 THE WITNESS: Same as -- this is more of the
8 powder. It's not in the -- appearance of coming off a
9 block or a brick. This is simply just powder, white
10 powder substance, which I believe to be cocaine.

11 BY MR. PRETTYMAN:

12 Q. And that was seized on December 8th, 1997, from
13 Faye Bullock's house on the night that Darryl Chambers
14 was arrested there?

15 A. That's correct.

16 The last one is Government Exhibit 10-B,
17 which was seized from 2602 Bowers Street on the 8th of
18 December '97.

19 BY MR. PRETTYMAN:

20 Q. And, again, that's the same night that Darryl
21 Chambers was arrested there?

22 A. At Faye Bullock's house.

(Pause while the witness opened the exhibit.)

24 THE WITNESS: This is the same as the other
25 one, a white powdered substance, which I believe to be

1 powdered cocaine.

2 BY MR. PRETTYMAN:

3 Q. Were you -- I'm sorry. Take your time.

4 A. That's okay. It's the same.

5 Q. Were you present on December 12th, 1997, when in the
6 presence of her attorney, Linette Crawford, wrote the size
7 of the packages of cocaine and crack cocaine that she
8 stored and transported for Darryl Chambers on like a legal
9 pad page?

10 A. Yes.

11 Q. And were you also present when she drew the inner
12 peanut -- she described these as peanuts; is that
13 correct?

14 A. That's correct.

15 Q. When she drew the smaller inner peanut as being
16 the smaller peanuts that she transported and the larger
17 peanut-shape diagram on the yellow piece of paper was
18 the larger peanuts that she transported; is that
19 correct?

20 A. Linette described the different sizes of the
21 so-called peanuts that she transported and was asked to
22 draw them, and that piece of paper accurately depicts
23 what she remembers as being the sizes.

24 Q. Okay.

25 And this is Government's Exhibit No. 12 that

Sullivan - direct

16

1 you are referring to? This is the original that Linette
2 Crawford drew the size of the peanuts of packages of
3 cocaine and crack cocaine that she transported and held
4 for Darryl Chambers; is that correct?

5 A. That is, because we had her initial the document.
6 Her initials are on the bottom right-hand corner, LC,
7 12/12/97.

8 Q. Detective Sullivan, I'm going to hand you what's
9 marked as 10-G and 10-H. And as you discuss each, I
10 would ask that you please refer to them by either 10-G
11 or 10-H to keep track. And I'm going to ask you
12 questions of those in comparison with exhibit,
13 Government's Exhibit 12.

14 Do you know what Government's Exhibits 10-H
15 and 10-G are?

16 A. I know what 10-G is.

17 Q. What is 10-G?

18 A. This is what would be equivalent to what I've seen
19 in my experience and training as a kilo or a brick of
20 how cocaine is usually packaged for transportation.

21 Q. When you say cocaine, is there a difference between
22 the way cocaine and crack cocaine would be packaged as
23 you're referring to that exhibit, 10 --

24 A. This is 10-G.

25 Q. With respect to 10-G?

1 A. No. It can be packaged the same way. This
2 particular item was packaged by me and it is indicative
3 of what powdered cocaine would be, because it is a
4 powdered substance.

5 Q. Okay.

6 In terms of the weight of that, if it were
7 crack cocaine packaged up, wrapped that way, would that
8 change your opinion on whether or not that is a kilogram-
9 size package that's Government Exhibit 10-G?

10 A. It would basically be packaged the same. A kilo
11 is purported to be a thousand grams, so a thousand grams
12 is a thousand grams. It would be different in the fact
13 that it would be -- to the touch would be hard, rocky-
14 type material inside. This is very soft to the touch,
15 compacted.

16 Q. The size of the 2-kilogram size packages, would
17 the quantity of kilogram would be the same whether it
18 was cocaine or crack in that size package?

19 A. It would vary slightly in that it would be a little
20 more bumpy only because the substance is a rocky-type
21 substance. This is soft, smoother, where you might have
22 more bumps in it when you had the crack cocaine.

23 Q. But the weights would be the same?

24 A. A kilo is a kilo.

25 Q. And the Government's Exhibit 10-G you have there

Sullivan - direct

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1 was weighed by yourself on a properly calibrated scale?

2 A. This morning, at the FBI office.

3 Q. And how much did that way?

4 A. Prior to being packaged in this manner, the
5 substance alone was weighed at 1,000 grams.

6 Q. And that is representative of a package wrapped up
7 of either a kilo quantity of cocaine or crack cocaine.
8 It wouldn't matter. It's the same?

9 A. A thousand grams is a thousand grams.

10 Q. So that your answer is yes?

11 A. Yes.

12 Q. Now, the other item, 10-H, Government's Exhibit
13 10-H, I believe, that was packaged by another law
14 enforcement officer; is that correct?

15 A. I have no idea what this is.

16 Q. Okay.

17 How much does that weigh? Do you know?

18 A. I can't tell you. By feeling it, it's over a
19 thousand grams.

20 Q. And is that bigger or smaller than 10-G?

21 A. Obviously quite smaller in size, but weighing both,
22 this is -- I'd have to say it's almost twice -- probably
23 about twice the weight of the -- 10-H is quite smaller
24 than G, but ways probably twice as much.

25 Q. Now, I'm going to --

Sullivan - direct

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1 MR. PRETTYMAN: First, your Honor, I move the
2 admission of Government's Exhibits 10-G and 10-H for
3 purposes of this hearing.

4 MR. BENSON: Your Honor, I would like to
5 question the officer on voir dire.

6 THE COURT: I will just reserve the decision
7 on the admission until cross, then.

8 MR. PRETTYMAN: Thank you.

9 BY MR. PRETTYMAN:

10 Q. I'm going to also hand you Defense Exhibit 1 (handing
11 exhibit to the witness). And I'm going to ask you to
12 compare Government's Exhibit 12, which are the peanut-
13 sized packages drawn by Linette Crawford with Defense
14 Exhibit 1 and Government's Exhibit 10-G, and ask you
15 which is more similar in terms of size and packaging the
16 way Linette Crawford described to you and drew in your
17 presence the peanut-shaped packages on Government's
18 Exhibit 12?

19 MR. BENSON: Your Honor, I'm going to object
20 to the question insofar as it relates to the drawing. I
21 think that's something your Honor certainly can draw your
22 own conclusion from.

23 To the extent that he has questioned Miss
24 Crawford, certainly --

25 THE COURT: Why don't you just rely on cross

1 to put it in context?

2 MR. PRETTYMAN: Thank you, your Honor.

3 THE WITNESS: I can only go on what I was told
4 by Linette Crawford and Faye Bullock, and from what my
5 training and experience would dictate. And, quite
6 honestly, I would have to look at all -- I don't know
7 what -- this is referred to, so I will leave that out.

8 Looking at these two packages and was
9 described to me by the two women and what my experience
10 would dictate to me, I can honestly tell you that the
11 10-G is I guess more -- is a closer representative of
12 the drawing than Defendant's Exhibit 1 would be.

13 Q. And as part of your training and experience, have
14 you seen kilogram-shaped packages of cocaine and crack
15 cocaine that look the same or very similar to
16 Government's Exhibit 10-G, in terms of the way they are
17 wrapped?

18 A. Again, to be honest, I've seen it both as
19 Government's Exhibit 10-G and I've also seen it as
20 Defendant's Exhibit 1.

21 Q. And in terms of the peanut-shaped objects
22 described by Linette Crawford, Government's Exhibit 10-G
23 more closely resembles what she drew and described to
24 you than does Defense Exhibit 1; is that correct?

25 A. That is correct.

1 Q. As part of the determination process of changing
2 the peanut-shaped packages described by Linette Crawford
3 into weights for court purposes of cocaine and crack
4 cocaine, did you give an opinion as to what the weight
5 of the cocaine and crack cocaine that would be in the
6 peanut-shaped packages described and drawn by Linette
7 Crawford in Government's Exhibit 12 would be?

8 MR. BENSON: Your Honor, I object. I don't
9 think it's relevant and I don't think that this officer
10 is qualified to give that. And I don't think -- I think
11 it's prejudicial, because it calls for an opinion that
12 clearly is not in the defendant's interests, and there's
13 no basis for it.

14 THE COURT: But you can put it in context in
15 cross. As a nonjury matter, I'm inclined to allow it
16 and offer the testimony.

17 MR. PRETTYMAN: Thank you, your Honor.

18 BY MR. PRETTYMAN:

19 Q. Detective Sullivan, you were called to give an
20 opinion as to the weight of packages of the peanut-
21 shaped diagrams and descriptions given by Linette
22 Crawford to change that into weights for court purposes
23 so that we could decide how much weight of the drugs
24 were involved in this case; is that correct?

25 A. I had made an opinion the day that we interviewed

Sullivan - direct

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1 both women. And I stand by that opinion today. And
2 that's based solely on my experience and training and
3 what I've seized in the past in that the picture drawn
4 on the 12th of December 1997 by Linette Crawford. And
5 what is depicted here today as Government's Exhibit
6 10-G is a kilo, both in crack cocaine and in powdered
7 cocaine.

8 The only difference would be, again, is that
9 when you feel it, to the touch, it would be harder when
10 it is crack cocaine.

11 Q. Have you ever, as part of your training and
12 experience, cooked cocaine hydrochloride into crack
13 cocaine or observed other law enforcement officers or
14 chemists do that?

15 A. I have to break it down. I've actually, in the
16 15 years that I've been a police officer, I've, at
17 controlled settings in the classroom, have manufactured
18 crack cocaine on several occasions and have watched it
19 by other police officers in controlled settings in the
20 classroom make crack cocaine. And I've also been told
21 on numerous occasions by confidential sources and
22 informants on how to make crack cocaine.

23 Q. If you cook crack cocaine -- if you cooked cocaine
24 using sodium bicarbonate -- I'm sorry. Let me please
25 start that question again.

1 If you cook cocaine using sodium bicarbonate,
2 water and heat it up to turn it into crack and didn't
3 sell that crack for a day or two, would that crack
4 cocaine turn back into cocaine hydrochloride or powder
5 cocaine without any new cooking or manufacturing process
6 occurring?

7 A. No.

8 Q. And once it is cooked into -- once cocaine is
9 cooked into crack cocaine, it stays crack cocaine unless
10 some other cooking process is done on it or some other
11 processing is done like that, manufacturing of it; is
12 that correct?

13 A. That is correct.

14 Q. Did the crack cocaine that you made as part of
15 your police training exercises and that you saw other
16 chemists or law enforcement officers make as part of
17 those training exercises, was that consistent in color
18 and shape and texture as the crack cocaine you seized
19 as part of your duties?

20 A. Yes.

21 Q. And was that crack cocaine that you made and that
22 your classmates and chemists made as part of those
23 training exercises, was that made by processing cocaine
24 hydrochloride and sodium bicarbonate to make it into
25 crack?

Sullivan - direct

24

1 A. Yes.

2 Q. Were you present, and did you participate in the
3 search of 2602 Bowers Street, Wilmington, State and
4 District of Delaware, on 12 -- on December 8th, 1997?

5 A. I authored -- I was the affiant of the search
6 warrant. Yes, I was present at the time of the search.

7 Q. Were you also present when various items were
8 seized by Detective Januzzio of the Wilmington Police
9 Department?

10 A. Yes.

11 Q. Where was Darryl Chambers when that search warrant
12 was executed?

13 A. Found in the second floor bedroom, fully clothed,
14 lying on a bed, huffing and puffing, panting.

15 Q. The Government's Exhibits 9 and 10-A, B and D,
16 were those drugs seized during the execution of that
17 search warrant at 2602 Bowers Street on December 8th,
18 1997?

19 A. They were.

20 Q. Where was the crack cocaine exhibit seized during
21 the execution of that search warrant?

22 A. The crack cocaine? In the overhang over top of
23 the -- well, as you go out the rear door, there is an
24 overhang for weather purposes that has a small roof. It
25 was tucked up into the siding of the overhang.

1 Q. The cocaine hydrochloride that are in those
2 exhibits, where was that seized from on December 8th,
3 1997 at 2602 Bowers Street?

4 A. The majority of it was found in the kitchen of
5 Faye Bullock's house, in a cabinet.

6 Q. And you know this from either being personally
7 present or being told by Detective Januzzio; is that
8 correct?

9 A. Both. I was present, and then I was contacted by
10 Detective Januzzio and shown -- once it was located, shown
11 where it was. I advised Detective Januzzio to go ahead
12 and remove it from the cabinet.

13 Q. Both those quantities of cocaine and crack cocaine,
14 are they indicative of somebody using the drug or for
15 distribution?

16 A. Distribution.

17 Q. Is that based upon the quantity and the other items
18 that were seized there on December 8th, 1997? Is that
19 what your opinion is based on?

20 A. Yes.

21 MR. PRETTYMAN: Your Honor, I want to show
22 these to Mr. Benson.

23 (Pause.)

24 BY MR. PRETTYMAN:

25 Q. Detective Sullivan, I'm going to hand you a box that

Sullivan - direct

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1 contains evidence. And I ask you to please review that
2 and see if that's the items that were taken during the
3 execution of the search warrant on December 8th, 1997,
4 at 2602 Bowers Street (handing box to the witness).

5 (Pause while the witness reviewed the
6 exhibits.)

7 THE WITNESS: Yes.

8 BY MR. PRETTYMAN:

9 Q. What is labeled Government's Exhibit 13?

10 A. It's the Wilmington Police evidence tag, marked 8
11 December '97. The case number is the same as reported
12 on the drug evidence, 97-21868. The place of occurrence
13 is 2602 Bowers Street. Person arrested is Darryl
14 Chambers.

15 Do you want me to list the evidence?

16 Q. What evidence was seized specifically that's just
17 tagged as 13? This black book bag knapsack? Is that
18 the black book bag knapsack that was seized from 2602
19 Bowers Street on December 8th, 1997, during the
20 execution of the search warrant?

21 A. It was, in the kitchen cabinet.

22 Q. Is there anything inside that at the moment?

23 A. Yes.

24 Q. What's inside there?

25 A. A scale, some ammunition, some razor blades, some

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1 Top rolling papers, some bags, two pagers. This scale
2 is just a digital, small digital scale. And some
3 ammunition for a 9-millimeter.

4 Q. Now, the two pagers and other clothing that belonged
5 to Mr. Chambers were seized from another part of the 2602
6 Bowers Street; is that correct?

7 A. Everything was seized from the kitchen cabinet
8 except, I believe, for the pagers and the other items
9 that are in the other bag.

10 Q. Okay.

11 So Government's Exhibit 13, as you've
12 described it, with the exception of the pagers, were all
13 items that were seized from 2602 Bowers Street on
14 December 8th, 1997; is that right?

15 A. Correct.

16 MR. PRETTYMAN: Your Honor, I would move
17 the admission of Government's Exhibit 13.

18 MR. BENSON: No objection.

19 THE COURT: All right. It's admitted.

20 MR. PRETTYMAN: Thank you.

21 *** (Government's Exhibit No. 13 was received
22 into evidence.)

23 THE WITNESS: Do you want to separate the
24 pagers?

25 BY MR. PRETTYMAN:

1 Q. The Government's Exhibit 14 -- Government's Exhibits
2 14 are in front of you now. 14-A and B.

3 And could you refer to each by 14-A and B and
4 tell the Court what they were, if they were seized during
5 the search warrant that we've been discussing about and
6 whether they were loaded or unloaded when seized?

7 A. 14-A is a blue steel Taurus 9-millimeter handgun
8 with a magazine and numerous 9-millimeter rounds. At
9 the time of the search warrant and the seizure of this
10 weapon, the weapon was fully loaded, the magazine was
11 charged, and was found in the black bag, which was in
12 the cabinet in the kitchen at 2602 Bowers Street.

13 Q. Was it operational and ready to be used?

14 A. Functional and ready to go.

15 Q. What is 14-B?

16 A. Okay. 14-B is a Jennings -- is it Braco (phonetic),
17 Braco Jennings, .380 semiautomatic handgun with a
18 magazine and numerous .380 rounds. Again, it was in the
19 same manner. The weapon was loaded, the magazine was
20 fully charged, and in the black bag at the time of the
21 seizure in the kitchen cabinet. And this weapon was
22 also ready to go.

23 Q. Ready to go, meaning that both of those weapons
24 could be fired? Dischargeable?

25 A. Whenever whoever wanted to pull the trigger.

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1 Q. The next item I'm not sure has an exhibit sticker
2 on it. I will call that 14-C. And I'm going to ask you
3 what that is and where that was seized from?

4 A. This is a Pelouze digital scale and it has a 10-
5 pound capacity. It's a large digital scale.

6 Q. Have you seen scales like that as part of your
7 training and experience in investigating drug cases?

8 A. I have.

9 Q. What are they used for?

10 A. For the weighing of large quantities of illegal
11 substances.

12 Q. And also are they used to break the packages down
13 into smaller quantities for sale?

14 A. Yes.

15 Q. Where was that found?

16 A. Also in the kitchen cabinet.

17 Q. Was that in the bag or not in the bag?

18 A. This was next to the bag, I believe, but right in
19 the same cabinet.

20 Q. Okay.

21 MR. PRETTYMAN: Your Honor, I would move the
22 admission of Government's Exhibit 14-A, B and C.

23 MR. BENSON: No objection, your Honor.

24 THE COURT: They're admitted.

25 *** (Government's Exhibits No. 14-A, B and C

1 were received into evidence.)

2 BY MR. PRETTYMAN:

3 Q. Detective Sullivan, did you have an opportunity to
4 talk to a Bureau of Alcohol, Tobacco and Firearms
5 fingerprint examiner who examined the fingerprints of
6 Darryl Chambers that you took, as well as a fingerprint
7 lifted from that scale?

8 A. Yes. I believe his name was Rick Canty.

9 Q. And did you also have an opportunity to not only
10 talk with him, but to be Faxed his report, as well as
11 expert qualifications?

12 A. I had personally obtained the fingerprints or the
13 latent prints from Darryl Chambers and submitted them
14 to Rick Canty for comparison with a latent that he had
15 obtained or lifted off of the scale.

16 Through his comparing the one taken from the
17 defendant and the one lifted from the scale, he had
18 obtained a hit or a match. And he had advised me of
19 this on two occasions.

20 Q. He advised you that the defendant's fingerprint
21 was found on that scale?

22 A. Yes.

23 Q. Government's Exhibit 14-C?

24 A. Correct.

25 Q. What else do you have there?

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1 A. Two pagers. They're not marked.

2 Q. Okay.

3 Government's -- they're going to be marked as
4 Government's Exhibit 15.

5 Where were those pagers seized from and to
6 whom do they belong?

7 A. They were seized from the defendant at the time of
8 his arrest inside of 2602 Bowers Street. He had
9 admitted to me that they were his pagers at the time of
10 his arrest.

11 Q. Have you seen pagers like that used in your
12 training and experience by people who distribute drugs
13 in order to have contact back and forth with the persons
14 with whom they're dealing?

15 A. Yes. Everybody has pagers these days, but all too
16 common are they used by drug dealers for the purpose of
17 making contact with clients.

18 MR. PRETTYMAN: Your Honor, I would move the
19 admission of Government's Exhibit 15.

20 MR. BENSON: No objection.

21 THE COURT: All right. It's admitted.

22 *** (Government's Exhibit No. 15 was received
23 into evidence.)

24 BY MR. PRETTYMAN:

25 Q. Government's Exhibit 16 is the next item. Could

1 you tell the Court what that is and whether that was
2 also seized, as well as the other exhibits that you've
3 just mentioned, seized from 2602 Bowers Street during
4 the search warrant on December 8th, 1997, when the
5 defendant was arrested?

6 A. This particular bag of evidence was not seized at
7 the time of the initial search warrant on the 8th of
8 December.

9 Q. When did you receive that Government's Exhibit 16
10 and from whom did you receive it?

11 A. I received it from Faye Bullock, who was the
12 resident and occupant of 2602 Bowers Street.

13 Q. Did she tell you what those items were and what
14 those items are and what they were used for and to whom
15 they belong?

16 A. Yes.

17 Q. What did she say?

18 A. She had initially asked me if we had removed the
19 baking soda and the mixing bowl from her residence. I
20 advised her that we did not.

21 She had advised me that that is what Wolfie,
22 the defendant, who was referred to as Wolfie, Darryl
23 Chambers, had used when he was making the crack cocaine.

24 Q. Other than the fact that this is obviously leaking
25 some baking soda, could you open the bag and tell the

1 Court whether the items are in the same condition and
2 what the significance of those items are for persons who
3 are involved in the distribution and manufacture of
4 crack cocaine?

5 A. Well, there is one large box, which is a 2-pound
6 box of Arm & Hammer baking soda. There are also two
7 smaller boxes, which are 8-ounce boxes of Arm & Hammer
8 baking soda. And there is one large, heavy, glass
9 mixing bowl.

10 Q. Does the mixing bowl have a size on it, in terms
11 of does it say the number of liters or grams or any
12 volume or density or weight?

13 A. I'd have to really open it up and it's covered
14 with black powder for the purpose of attempting to
15 obtain latent prints on it.

16 Q. I'm sorry. I'm going to need you to do that.

17 A. Okay. It's the equivalent of four cups or one
18 quart mixing bowl.

19 Q. Did Faye Bullock tell you whether or not those
20 items were used by Darryl Chambers at her residence to
21 cook cocaine into crack cocaine?

22 A. All the items in this bag, which are the baking
23 soda, the mixing bowl and razor blades, were used in
24 the manufacturing from powdered cocaine to crack
25 cocaine, ultimately for the sale.

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1 Q. And Faye Bullock told you that those items were
2 specifically used by Darryl Chambers in that manufacture
3 of cocaine into crack cocaine?

4 A. That is correct, in the kitchen of her home.

5 Q. Based upon your training and experience, the baking
6 soda that Faye Bullock gave you, the mixing -- does that
7 say it's a Pyrex mixing bowl?

8 A. Yes.

9 Q. The Pyrex mixing bowl and the razor blades, could
10 they be used to manufacture cocaine into crack cocaine?

11 A. Yes. And I'd have to say large quantities.

12 MR. PRETTYMAN: Your Honor, I would move the
13 admission of Government's Exhibit -- I believe that was
14 16 -- into evidence.

15 THE WITNESS: 16.

16 MR. BENSON: No objection.

17 THE COURT: All right. It's admitted.

18 *** (Government's Exhibit No. 16 was received
19 into evidence.)

20 BY MR. PRETTYMAN:

21 Q. Detective Sullivan, I neglected to ask you a
22 question earlier about Government's Exhibit 9, which was
23 the substance, I believe, in this pile of evidence right
24 here that were in the little plastic bags with the
25 horses on them.

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1 What is the street name for that type of
2 drug?

3 A. Rocks.

4 Q. Okay.

5 And is it also called crack cocaine?

6 A. Rarely. Everybody that I deal with on the streets
7 of Wilmington usually refers to them as rocks.

8 Q. And in terms of the way that it's -- its synonym,
9 I guess, for lack of a better word, it's called rock,
10 it's called crack. It goes by various street names; is
11 that correct?

12 A. I've heard it probably referred to as crack, rock.
13 Actually, I've heard it called smoke a couple times on
14 the West Side.

15 Q. Okay.

16 And Government's Exhibit 9 is crack cocaine,
17 based upon your training and experience?

18 A. Yes.

19 Q. On May 27th, 1998, did you witness a statement in
20 this building made by the defendant, Darryl Chambers?

21 A. Yes.

22 Q. And this statement was made in the presence of his
23 attorney, yourself, another law enforcement officer and
24 me; is that correct?

25 A. That is correct.

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1 Q. And that statement was taken pursuant to written
2 understanding or agreement between the defendant, his
3 lawyer and the Government that was signed by those
4 three parties; is that correct?

5 A. That is correct.

6 Q. I'm going to hand you, after I show it to the
7 defense, a copy. I've labeled this Government's Exhibit
8 17, the agreement between the parties (handing exhibit
9 to Mr. Benson.)

10 MR. BENSON: No objection.

11 MR. PRETTYMAN: Your Honor, I've been told
12 by Mr. Benson that there is no objection to the admission
13 of Government's Exhibit 17, and I would move its
14 admission at this time.

15 THE COURT: All right. It's admitted.

16 *** (Government's Exhibit No. 17 was received
17 into evidence.)

18 BY MR. PRETTYMAN:

19 Q. Detective Sullivan, Government's Exhibit 17 are
20 the conditions of that statement that you took in the
21 presence of his attorney, myself and another law
22 enforcement officer; is that correct?

23 A. Yes.

24 Q. And before that statement was made, was the
25 defendant advised of his Miranda rights?

1 A. He was.

2 Q. Who advised him of those rights?

3 A. I did.

4 Q. Tell the Court what rights you advised the
5 defendant before his statement.

6 A. I had orally advised him of his Miranda warnings.
7 I had asked him or stated Darryl Chambers, you have the
8 right to remain silent. Anything you say can and will
9 be used against you in a Court of law. You have the
10 right to an attorney. If you cannot afford an attorney,
11 one will be appointed to represent him before any
12 questioning, if you wish. Do you understand each of
13 the rights I have just explained to you?

14 He acknowledged orally, yes.

15 I then asked him that with his rights in mind
16 if he wished to speak to us, and he did.

17 Q. And this was all done in the presence of his
18 attorney; is that correct? Mr. Benson?

19 A. Yes.

20 Q. Were there any threats, other promises besides the
21 ones mentioned in Government's Exhibit 17, or any force
22 used to make the defendant waive his rights or to speak
23 with us that day?

24 A. None.

25 Q. What did the defendant say about the cocaine and

1 crack cocaine that he possessed with intent to distribute
2 during the time period of the conspiracy charged in this
3 case with Faye Bullock and Linette Crawford? That is
4 July 1997, on or about -- to on or about December 8th,
5 1997?

6 A. He had stated that he never contested the amount.
7 The only part of the interview that he disagreed with
8 was the amount of crack cocaine.

9 Q. I think it might be easier for the Court's
10 understanding is to explain what the defendant said.
11 And then you can say what he admitted or denied in terms
12 of quantities and substance.

13 MR. BENSON: Your Honor, presuming that this
14 statement was recorded for the accuracy of it, that
15 would probably be the best way for the Court to
16 understand it. If it wasn't recorded, then I guess
17 it's going by his recollection as opposed to the
18 defendant's recollection of what was said.

19 MR. PRETTYMAN: It was not tape-recorded,
20 your Honor.

21 THE COURT: If that is an objection, it's
22 overruled.

23 MR. PRETTYMAN: Thank you, your Honor.

24 BY MR. PRETTYMAN:

25 Q. Detective Sullivan, could you tell the Court what

1 you recall being said by the defendant, in terms of the
2 substances, the quantities of cocaine and crack cocaine
3 that he possessed with intent to distribute as part of
4 the conspiracy with Linette Crawford and Faye Bullock
5 during July -- on or about July 1997 to on or about
6 December 8th, 1997? And do it in such a way as you know
7 what statements were made by the defense, what he
8 admitted and what he denied, please.

9 A. Okay. The defendant had stated that he had
10 distributed cocaine and crack cocaine from Faye Bullock's
11 house. He had described when or how he had met Faye,
12 how he started to use her home, and the -- the fact that
13 he did admit to cooking or making, in his own words,
14 crack cocaine.

15 Q. At the beginning, he called it cocaine base. And
16 then when questioned on it, he admitted that he had
17 cooked the cocaine into crack cocaine; is that correct?

18 A. That is correct.

19 Q. And did he indicate during what time period that
20 he was cooking the cocaine into crack cocaine at Faye
21 Bullock's house?

22 A. Yes.

23 Q. What did he say?

24 A. He had stated that he had never done it before,
25 referring to cooking crack cocaine, until after

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1 Thanksgiving, because he was in need of some extra
2 money.

3 Q. That was on or about Thanksgiving of 1997; is
4 that correct?

5 A. That is correct. That he had simply only sold
6 powder.

7 Q. Did he indicate how much, what quantity of cocaine
8 that he had cooked into crack cocaine to possess with
9 intent to distribute during this time period?

10 A. If my memory serves me correctly, the defendant,
11 in front of his attorney, had stated that it might have
12 been 4 ounces.

13 Q. 4 ounces of crack cocaine?

14 A. Total.

15 Q. And an ounce is 28 grams?

16 A. Yes.

17 Q. Actually, it's a little more than 28 grams; is
18 that correct?

19 A. It's 28 grams per ounce.

20 Q. All right.

21 Did the defendant also make statements about
22 the quantity of cocaine hydrochloride that he possessed
23 with intent to distribute as part of the conspiracy
24 involving Faye Bullock and Linette Crawford during on or
25 about July 1997 until on or about December 8th, 1997?

1 A. Yes. Again, this is from my memory and I think I
2 have a pretty good memory. According to the defendant,
3 if it was a good month, and then we would go back and
4 forth. There was a total agreed upon by the defendant
5 and the investigators that the 20 kilos of cocaine,
6 powdered cocaine, was an accurate amount.

7 Q. Okay.

8 And he stated, did he not, that he purchased
9 and sold as part of that conspiracy between 15 to 20
10 kilos of cocaine, but that it was done in a six-month
11 period with a good month being that he possessed with
12 intent to distribute and distributed 4 kilos, kilograms
13 of cocaine hydrochloride, and during a bad month, he
14 would possess with intent to distribute and distribute
15 3 kilograms of cocaine hydrochloride?

16 MR. BENSON: Your Honor, I'm going to object
17 again, only because it seems to me that the Assistant
18 U.S. Attorney is testifying as opposed to the witness
19 on the stand. He is telling him now what Mr. Chambers
20 has said as opposed to what he said. The detective
21 has indicated --

22 THE COURT: You can cross him on it.

23 MR. BENSON: Your Honor, once he knows the
24 answer, it's difficult to cross-examine him on it.
25 He's being told what the answer is, so it's tough to

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1 cross-examine him when it's already put in his mind
2 what happened at that meeting.

3 THE COURT: Well, I still think you can put
4 it in the context of cross.

5 MR. PRETTYMAN: Thank you, your Honor.

6 BY MR. PRETTYMAN:

7 Q. Is that correct?

8 A. If it will help Mr. Benson, from your client's
9 mouth, on a bad month, he did 3. On a good month, 4.
10 And out of the 20 kilos that we came to an agreement
11 on, that he did 4 ounces of crack cocaine, which was
12 made after Thanksgiving. That's my memory.

13 Q. When you say three or four, were you referring to
14 kilograms?

15 A. Kilos, because there was some discrepancy about
16 the good month and the bad month.

17 Q. I think we're up to Government's Exhibit 18 now.
18 Was 17 the agreement?

19 A. Right.

20 Q. Did you write a report based upon your recollection
21 of the conversation that you had with the defendant in
22 the presence of his attorney and myself and another law
23 enforcement officer that we've been discussing?

24 A. I did.

25 MR. PRETTYMAN: Your Honor, I am going to

1 show this, Government's Exhibit 18, to Mr. Benson. He
2 has a copy already. I will move its admission (handing
3 exhibit to Mr. Benson.)

4 (Pause while Mr. Benson reviewed the exhibit.)

5 MR. BENSON: Your Honor, if the question to
6 me is whether or not I object to the admission of this
7 as being a report prepared by Mr. Sullivan, Detective
8 Sullivan, I don't object to it.

9 As to the accuracy, certainly, I take
10 substantial issue.

11 THE COURT: All right. It's admitted.

12 MR. PRETTYMAN: Thank you, your Honor.

13 *** (Government's Exhibit No. 18 was received
14 into evidence.)

15 BY MR. PRETTYMAN:

16 Q. Detective Sullivan, Government's Exhibit 18 is the
17 report that you prepared based upon your recollection of
18 the meeting between the attorney, myself and the law
19 enforcement officer?

20 A. That's correct. This is referred to as a 302
21 report. It was authored by me.

22 Q. Detective Sullivan, as part of your training and
23 experience, have you seen defendants use multiple stash
24 houses in order to make sure all their drugs aren't in
25 one place that could be seized by law enforcement

1 officers?

2 A. Yes.

3 Q. And is the fact that a percentage of the drugs that
4 were actually being seized -- that were actually seized,
5 does that, based upon your training and experience, the
6 seizure of drugs at one house, does that always indicate
7 the quantity of drugs that a person is involved with
8 selling?

9 A. No.

10 MR. PRETTYMAN: Thank you, your Honor. I have
11 no further questions.

12 CROSS-EXAMINATION

13 BY MR. BENSON:

14 Q. Detective, the lab report indicates, I believe,
15 which I'm not sure what Government exhibit it is, but
16 it's the lab report that refers to the quantity of drugs
17 that were seized at Faye Bullock's house. 10-F. Do you
18 have that in front of you?

19 A. No, sir, I do not.

20 Q. Okay.

21 Well, it indicates, according to Chemist
22 Dasgupta, that there was a total weight of cocaine of
23 265 grams and a total weight of crack of 6.38 grams.

24 Do you take issue with that?

25 A. What's the total of powder and crack?

1 Q. 265 grams of cocaine and the total weight of crack
2 is 6.38 grams.

3 A. Okay.

4 Q. Do you agree with that?

5 A. Yes.

6 Q. Okay.

7 And that was seized that evening when Darryl
8 Chambers was arrested?

9 A. December 8th, 1997.

10 Q. December 8th. Okay.

11 What time was he arrested?

12 A. I don't have the exact time. I'd have to look at
13 the crime report, see what time we made entry, and the
14 time that he was secured in the bedroom. But I believe
15 it was about 2230, about 10:30 p.m.

16 Q. 10:30.

17 And whatever business he had been
18 transacting, he had closed down for that particular
19 night; isn't that correct?

20 A. No, sir.

21 Q. He was still working?

22 A. It's my understanding he was at the back door when
23 we were making our exit from the van and ran into the
24 house and up the stairs, into the bedroom.

25 Q. Well, where were the drugs found?

1 A. In the kitchen and in the overhang at the back
2 door.

3 Q. And how far were you when you started to enter
4 the house? In other words, when you exited the van?

5 A. On Bowers Street?

6 Q. Yes. I mean, how many feet would that have been?

7 A. I'd have to give you an approximate. Maybe from
8 here to the divider (indicating). 30, 40 feet, max.

9 Q. So would it be safe to say he certainly wouldn't
10 have had time to hide or dispose of the drugs and run
11 upstairs in those 30 or 40 feet by the time you exited
12 the van and ran into the Bowers Street house; isn't
13 that correct?

14 A. I don't think he did try to hide.

15 Q. I mean, so the drugs were -- wherever they were
16 found, that's where they had been?

17 A. Yes.

18 Q. Okay.

19 He had no drugs on him?

20 A. No, sir.

21 Q. You found no drugs lose in the house anywhere in
22 either -- hidden under a sofa, pillow, or anything like
23 that; isn't that correct?

24 A. No. We did find drugs concealed in a kitchen
25 cabinet.

1 Q. In a kitchen cabinet, right, which is consistent
2 with what Faye indicated to you where the drugs were
3 kept when they are not being sold?

4 A. No. They were stored in the kitchen, and when the
5 shop was open, when the drugs were being sold, they were
6 kept in the overhang at the back door.

7 Q. And that is where they were?

8 A. Yes.

9 Q. And you found some of them?

10 A. Yes, sir.

11 Q. Referring to Government's Exhibit 10-D, you
12 indicated that the -- that that was powder cocaine. You
13 felt the bag?

14 A. Do you mind if I take a look at it again?

15 Q. No. Go ahead.

16 A. Yes. This is the one that has the appearance
17 that's rocky, but actually it's what I know as to be --
18 it looks like it's just chipped off the block or with a
19 kilo, but it's actually powder cocaine.

20 Q. So someone without any experience certainly feeling
21 that could very easily get the impression that that was
22 crack as opposed to powder; isn't that correct?

23 A. I don't know who you're referring to as without
24 no experience.

25 Q. I'm not talking about police; I'm talking about a

1 citizen, a person. If they believe that crack is rock,
2 as its street name is, or hard and chunky feeling, that
3 certainly would give you the impression that that met
4 that criteria, wouldn't it?

5 A. I can't -- I can't answer for someone else's...

6 Q. Well, didn't you testify just a moment ago that,
7 in fact, it feels like crack, but it is, in fact,
8 powder?

9 A. I said it has the appearance of being a rocky
10 substance. Once you squeeze that, it will break down,
11 which crack cocaine will not.

12 Q. But isn't that consistent with crack? Appearance
13 of a rocky substance or hard substance?

14 A. Yes, it can.

15 Q. Okay.

16 Now, talking about these peanuts, as you
17 referred to, you indicated that Defense Exhibit 1 is
18 similar to what Linette indicated was the peanut that
19 she described and drew for you; isn't that correct?
20 Smaller, however?

21 A. No. I believe I stated that, from my experience
22 and training, what was described to me by Linette, that
23 10-G was more consistent than Defendant's Exhibit 1.

24 Q. Well, 10-G, let's talk about that. That is what
25 is --

1 MR. BENSON: May I approach, your Honor?

2 THE COURT: All right.

3 BY MR. BENSON:

4 Q. This is -- 10-G is the one that -- what is the
5 weight of this?

6 A. Prior to packaging, it was weighed, substance alone
7 is 1,000 grams.

8 Q. Which is a --

9 A. The equivalent of a kilo substance.

10 Q. Did you have Faye or Linette hold something similar
11 to that?

12 A. Did I? No.

13 Q. Or did anyone, that you are aware of?

14 A. No, sir.

15 Q. So what did they say that made you believe that
16 that would be consistent with what they allegedly
17 observed Darryl Chambers transporting or having, a key
18 at a time?

19 A. Again, the way it was described to me.

20 Q. Well, how was it described to you, I guess is my
21 question?

22 A. And, again, I can go from my recollection of what
23 my memory is, and it was described like that (indicating)
24 and like that (indicating).

25 Q. Well, according to what Linette testified to and

1 also what I think appears in her statement concerning --
2 at the time of her sentence, she indicated it was the
3 packaged peanut, she referred to, was about six or seven
4 inches long, about two or three inches wide at the end,
5 going down to about an inch in the middle.

6 Do you remember that?

7 Your memory, as good as it is -- you keep
8 reminding us how good it is -- is that consistent with
9 what your memory is?

10 A. Yes, sir.

11 Q. Okay.

12 So --

13 MR. BENSON: May I again, your Honor?

14 THE COURT: All right.

15 BY MR. BENSON:

16 Q. So now as I'm understanding what you are telling
17 me is that this is more consistent with what Linette's
18 description of the drugs are, in that you are telling us
19 that this is about six or seven inches long, it's about
20 two or three inches wide at the end, and it slants down
21 into about an inch in the middle.

22 Is that consistent with what Linette's
23 testimony was and what she described to you?

24 A. Yes, sir.

25 Q. This is (indicating)?

1 A. What she described. That's how she described it.

2 Q. You think this is an inch in the middle? You think
3 this is two or three inches wide at the end? That's what
4 I'm asking you.

5 A. At the end? I do, yes.

6 Q. How about in the middle?

7 A. Slightly over an inch. Probably about two inches.

8 Q. Did you have her hold any of these things to
9 determine weight?

10 A. No, sir.

11 Q. Okay.

12 Did you have her hold anything equal to a key
13 of weight to determine what she was carrying for Mr.
14 Chambers? This is Linette I'm talking about.

15 A. No, sir.

16 Q. So, basically, what you are going by, and what you
17 are asking the Court to accept as your testimony is that
18 Linette tells you that she doesn't know weight, she
19 doesn't know keys, she doesn't know grams, she doesn't
20 know pounds, she doesn't know any of these things;
21 right? She emphasized this to you a number of times;
22 isn't that correct?

23 A. As you know, she is not a very -- to put it
24 bluntly, a very intelligent individual.

25 Q. Believe me, I know that better than you after

1 yesterday. But what I'm saying to you is that she
2 consistently said that; isn't that correct?

3 A. Her description --

4 Q. No. Excuse me. I don't mean to interrupt you.
5 But she consistently said she doesn't know weight, she
6 doesn't know keys, she doesn't know pounds, she doesn't
7 know ounces, et cetera. She was describing to you what
8 she was transporting for Mr. Chambers, and she described
9 it as being about six or seven inches long, shape of a
10 peanut, two to three inches wide at the end, going down
11 to about an inch in the middle; right?

12 A. That's consistent.

13 Q. That's consistent with what she said.

14 Now, would you not agree that the weight,
15 while we agree on the size, the weight, as you
16 demonstrated it by the Government exhibits, could be
17 anything? In other words, this smaller one that was
18 packaged by someone other than yourself, I don't even
19 know what this weighs, but probably five pounds, maybe,
20 or something. I mean -- no? Three pounds? I mean --
21 you tell me what you think it weighs.

22 A. I don't know the weight, because I didn't weigh it.
23 I don't know what's inside of it.

24 Q. You have an estimate, don't you, an opinion?

25 A. My estimate is probably double this. So if this

Sullivan - cross

53

1 | is around 2.2 pounds, that's probably at least 4 pounds.

2 Q. Okay. I said five. Something like that. Okay.

3 This feels like it's more than double this,

4 but in any event...

5 So the point being, Officer, that if you
6 look at those three packages, you can't, by the size of
7 the package, determine the weight or the quantity of
8 the drugs that are being packaged; isn't that correct?

9 A. I can't tell you what the weight was because I
10 wasn't there. I didn't weigh it.

11 Q. Exactly.

12 And no one can?

13 A. No, sir.

14 Q. Right?

15 A. No one but your client.

16 | Q. Exactly.

17 So he has the best information as to
18 weight involved.

19 Now, Faye and Linette, or Linette especially,
20 was saying that she was transporting for Mr. Chambers
21 these peanuts. You're suggesting that that one peanut
22 is consistent with her drawing, which the Judge will
23 make that ultimate determination, I guess. And that
24 weighs a key.

25 The peanut that we prepared, Defense

1 Exhibit 1, weighs a quarter-key.

2 Linette testified that our example -- and
3 she held our exhibit. She said that was a little small.
4 She said that she thought that the peanut, as she put
5 it, that Darryl had and that she transported, was bigger
6 than that. She did not, that I remember, indicate that
7 she had any problem with the weight of the exhibit.

8 So, again, the point being that, looking at
9 those three items, you can't determine the weight? I
10 mean, those weights are very inconsistent with the way
11 they're packaged; isn't that correct? I mean, the
12 smaller item happens to go the heavier one.

13 A. I don't know the weights. Again, I did not weigh
14 it. I was not there. Again, your client --

15 Q. No. I'm talking about those three exhibits that
16 are there.

17 A. I can only go by my experience and training and
18 what was described to me. And I think there was another
19 example that we referred to that particular day, which
20 was a basket, to show size. But, I mean --

21 Q. Did you fill up the basket? Do you remember?

22 A. No.

23 Q. No. Exactly. There was a basket. Linette
24 testified to this somewhat. There was a basket at the
25 FBI, I guess on the table, and you are asking her, is

1 this the size of the package? She says yes, something
2 to that effect.

3 A. No. I can tell you from my memory --

4 Q. Go ahead.

5 A. -- as we want to go back to again --

6 Q. Sure.

7 A. -- was that she was to give us an example and she
8 looked around the room and she said about the size of
9 that.

10 Q. Right.

11 A. And pointed to a wicker basket that was on the
12 table.

13 Q. Okay.

14 But, again, that was the size of the package,
15 not the weight of the package.

16 A. You keep bringing up weights. I can tell you, I
17 don't know the weights. None of us do.

18 Q. I understand, but that's the whole point. This
19 is a case about weights, isn't it?

20 A. And I can tell you --

21 Q. This is a case about quantity?

22 A. Exactly.

23 Q. So --

24 A. And from looking at this and looking at this and
25 from the descriptors and her giving the motion with her

1 hand, that from my experience and training would dictate
2 that this was -- that this is more indicative of what
3 she was describing than this is (indicating)

4 Q. But you're telling us, and you want the Judge to
5 accept, that that represents her description, the item
6 that you prepared this morning at the FBI office is six
7 or seven inches long, three -- two to three inches wide
8 on the end and one inch wide in the middle. And you are
9 saying that that is consistent with that description?

10 You want the Judge to believe that?

11 A. No.

12 Q. We're just looking at it.

13 A. I'm also relying on the fact that your client
14 admitted to me that he did 15 to 20 kilos. This is a
15 kilo (indicating). That in conjunction with what she
16 told us at the meeting is supportive to what my opinion
17 is. That's all I can go on, Mr. Benson.

18 Q. But you did not have her hold anything or weigh
19 anything or pick up anything that would be consistent
20 with that; isn't that correct?

21 A. I'm really going on my experience and training, the
22 interview with your client and the interview with both
23 girls --

24 Q. Right.

25 A. -- led me to believe that this is not an accurate

1 description of what was being transported. That your
2 client admitted to doing 15 to 20 kilos, that this is
3 an accurate depiction of a kilo, which was weighed by
4 me this morning.

5 MR. BENSON: May I have the Government's
6 exhibit of the drawing? Who has that?

7 Oh, it's up there?

8 THE WITNESS: Which --

9 MR. BENSON: The original drawing?

10 THE WITNESS: No. I'm sorry. It's here.

11 MR. BENSON: All right.

12 BY MR. BENSON:

13 Q. Now, Linette testified, under oath yesterday, that
14 this inner line, peanut --

15 A. Yes, sir.

16 Q. -- was the one that was always what Darryl gave
17 her to transport. That on one occasion -- this is her
18 testimony -- that there was a bigger peanut.

19 Did she ever suggest that to you? Did she
20 ever tell you that? When she drew these two lines, didn't
21 she tell you that the smaller inside line was the one
22 that was more consistent with the -- the packaging of the
23 drugs that she transported for Darryl?

24 A. No, sir.

25 Q. Well, I'm telling you that she -- well, strike that.

1 What was the reason for the two lines
2 (handing exhibit to the witness)?

3 A. The two lines were at different times the smaller
4 peanut was transported and at times the larger peanut
5 was transported.

6 Q. Did she tell you how many times she transported
7 the larger peanut, as you put it?

8 A. I don't recall. I do want to say there was -- I do
9 recall, my memory again, that sometimes -- again,
10 sometimes -- and, again, you know as well as I do when
11 you are dealing with uneducated, low-income individuals,
12 that they cannot articulate certain things, and that,
13 when we try to get an assumption or the best estimate
14 that we could, was that the smaller peanut was
15 transported sometimes and the larger peanut was
16 transported sometimes.

17 Q. Well, yesterday she testified under oath, and I
18 presume when you questioned her she wasn't under oath,
19 was she?

20 A. No, but --

21 Q. Okay.

22 A. -- I don't think she was coerced either.

23 Q. Do you think she was coerced under oath yesterday?

24 A. I would hope not.

25 Q. Yesterday she testified under oath that on one

1 occasion, she transported the -- what she characterized
2 as the large peanut, whatever that means. I mean, I
3 don't know what is the weight of that. But that's on
4 one occasion. The other times were the smaller peanut.

5 Now, would you not agree that the defense
6 exhibit is more consistent with this smaller peanut
7 drawing than what your drawing is, or that what your
8 exhibit is?

9 A. Actually, it's a little smaller than your exhibit.

10 Q. The smaller peanut is. Okay.

11 And if I represent to you -- well, do you
12 have an estimate by picking that up as to the weight of
13 that defense exhibit?

14 A. My estimate?

15 Q. Yes.

16 A. With the tape?

17 Q. With, without, whatever.

18 A. Well, it depends, because --

19 Q. Okay.

20 A. -- this is a kilo without the packaging.

21 Q. Okay.

22 A. With the packaging, it's 1,022 grams.

23 Q. Okay.

24 What about that one?

25 A. You're asking me the total weight?

1 Q. Yes.

2 A. Or just a substance?

3 Q. The total weight.

4 A. I don't know. Maybe 4-1/2 ounces.

5 Q. About a quarter-key?

6 A. Close.

7 Q. Yes. Okay.

8 Well, that's all right.

9 So -- and you're saying that that -- do you
10 not agree that that is consistent with the smaller
11 drawing that Linette provided you?

12 A. It's close.

13 Q. Okay.

14 And Linette testified yesterday that the
15 smaller drawing peanuts are the ones that she typically
16 transported. That on one occasion, she had transported
17 the bigger drawing peanut. I'm telling you that.

18 A. See, you're confusing me now --

19 Q. Go ahead.

20 A. -- because she said she transported peanuts,
21 which would be one of these.

22 Q. Over periods of time. Yes. That's right.

23 A. Well, I'm a little confused on that, then.

24 Q. Okay.

25 A. You're saying that in the bag when she was

1 transporting, there was only one peanut?

2 Q. Well, she testified that she looked in -- I will
3 represent to you that she testified yesterday that, on
4 occasion, she would look in the bag, not every day.
5 And that, on occasion, there would be, like, a peanut
6 and maybe some side drugs and package, whatever, all
7 wrapped, whatever it might be, that type of thing.

8 Sometimes there would be more than one
9 peanut.

10 A. Okay.

11 Q. But that would be typically the size of the peanut.
12 Now, she also -- did she indicate to you, or
13 did you question her about the -- how often she would be
14 transporting these drugs to Mr. Chambers?

15 A. We did, and, again, we're going back to the memory.

16 Q. Sure.

17 A. Bank here. And that was that -- once she was hired
18 or she was brought on board or she was asked for
19 assistance when it got hot, which -- meaning the cops or
20 one time, or whatever you want to call them, were in the
21 area, that she was asked to hold onto the package or the
22 PK or the pack, whatever you want to call it. That once
23 she was en route, in a regular routine she was doing on
24 a daily basis, except for Sunday, when Wolfie didn't
25 work.

1 Q. Well, yesterday she testified that three or four
2 times a week she would bring drugs to Faye's house.
3 Is that consistent with what she told you? That's also
4 in the 302 I think that was prepared.

5 A. I haven't reviewed that at all today, but that
6 would be consistent with daily.

7 Q. Three or four days is daily in your mind?

8 A. Yeah.

9 Q. It seems to me if he doesn't work on Sunday, then
10 daily is six days a week.

11 A. Okay.

12 Q. She's saying -- she's indicating in a 302 on
13 December the 15th that it was three or four days a week,
14 which is half of what you are saying.

15 A. Well, again, we can go -- four is over half.

16 Q. You understand?

17 A. I understand.

18 Q. The point is it's not every day?

19 A. Again, I'm telling you what my memory is. I have
20 not reviewed my report today.

21 Q. Your memory, at least in that respect, is faulty?

22 A. By one day, two days.

23 Q. Or three days? So it could be off as much as 50
24 percent?

25 A. Well, then we're going into assumptions here.

1 Four days, I'm off by two.

2 Q. If it's three days and you just said six, you're
3 off by half, aren't you?

4 A. By three.

5 Q. Okay.

6 Now, did Linette tell you how the drugs got
7 back to her house in the evening, after Darryl was
8 finished business?

9 A. Yes, she did. And, again, this is memory.
10 Without looking at the report, it was usually --
11 sometimes Wolfie would drop them off, I believe, or -- I
12 want to say, again, my memory is that Faye would bring
13 them over.

14 Q. Let me suggest to you that the testimony from
15 Linette yesterday was that on many occasions -- I think
16 her word was a lot of occasions -- she would be at
17 Faye's house with Wolfie. And she and Faye would be
18 doing things, and that when business closed down, on a
19 lot of occasions, to use her words, she would just --
20 the drugs would be packed up and she would take them
21 back to her house that night.

22 Does that help refresh your memory about
23 anything?

24 A. No, sir.

25 Q. Okay.

1 She never told you that?

2 A. She could have. I don't remember that.

3 Q. Okay.

4 Now, certainly, if that were the case -- let
5 me suggest to you, if she transports a quarter-key to
6 Faye's house for Wolfie, she spends the night there, or
7 stays there, he does his business. He then rewraps the
8 drugs, gives them to her, and she takes them home. Say
9 she comes back with an eighth of a key the next night.
10 They're the same drugs, aren't they? That's the same
11 quarter-key, isn't it?

12 A. It depends if it was cooked up or if it's still
13 powder.

14 Q. Forgetting the crack aspect of it, we're just
15 talking about powder right now.

16 A. Okay.

17 Q. So that's not a quarter-key or a half a key that
18 she brought one night, then the next night she brings
19 another half a key? That's the same half key that she's
20 bringing back, isn't it? If there's not a replenish.
21 Of the drugs --

22 A. I don't know, because I don't know if there was
23 more than one in that bag. I don't know which key it
24 could have been. I don't know.

25 Q. I understand. But the point I'm making is whatever

1 she transported on a Tuesday night, we'll say, to Faye's
2 house, and if she happened to stay there, as he indicated
3 she did a lot of times, and Wolfie sold some portion of
4 those drugs, because, clearly, Linette's testimony to you
5 is that she was never there, other than on two occasions,
6 when Wolfie cooked crack; isn't that true?

7 A. That's correct.

8 Q. That you remember.

9 So if she's there a lot of times and a lot
10 of nights, clearly, Wolfie is not cooking crack while
11 she's there.

12 MR. PRETTYMAN: Your Honor, this is argument,
13 closing statement for defense as opposed to asking the
14 officer his opinion on various things.

15 THE COURT: I don't mind. That's okay.

16 MR. BENSON: Thank you, Judge.

17 BY MR. BENSON:

18 Q. Do you understand the question?

19 A. I understand you're asking me to assume a lot of
20 things. I don't know. I wasn't there.

21 Q. I understand. The question is: Did you question
22 Linette about whether or not the drugs were being
23 replenished? And if so, by whom?

24 In other words, there's a key of powder.

25 Wolfie beeps her. She takes the key in the bag with the

1 scale to Faye's house. She sits around. He does
2 whatever he's going to do.

3 Now, the one thing you know from Linette's
4 testimony is he wasn't cooking crack when she was
5 there, other than on two occasions; right?

6 A. Correct.

7 Q. Okay.

8 Now, that's not an assumption, that's a
9 fact based on your investigation, talking with Linette?

10 A. Yes.

11 Q. Okay.

12 So now he does whatever he's doing. He
13 sells some powder. He rewraps it, hands it to her.
14 She takes it back to her house.

15 Wednesday night comes up. He beeps her.
16 She comes back up with the drugs wrapped. She hangs
17 out with Faye. He does his business. Rewraps the
18 drugs, gives them to her, takes them back.

19 Thursday night, beeps her. Comes up. She
20 leaves. He sells his powder, wraps it up.

21 Now, he goes and takes it back to her, to
22 Linette. She's home.

23 Now, did you question her about whether at
24 any time were these drugs, this original key that we're
25 talking about, replenished? In other words, isn't it

1 possible, Officer, from your investigation, that it was
2 the same key that was going up to Faye's house for three
3 nights or four nights? I mean, isn't that possible?

4 A. I can't tell you which -- I can't answer that,
5 because I have two different sources. I have your
6 client's and then I have the two girls.

7 Q. I'm asking you if it's possible? That's yes or
8 no?

9 A. If it's the same kilo?

10 Q. Yes.

11 A. Sure, it's possible.

12 Q. Okay.

13 So that when Faye is telling you, or telling
14 someone that, in fact, there were -- by the way, let me
15 ask you this concerning Faye Bullock. Did you show her
16 these peanuts? Did she ever describe what Linette was
17 transporting as being peanuts?

18 A. I don't recall that.

19 Q. So was she questioned about how the drugs were
20 wrapped and what she observed?

21 A. Yes.

22 Q. And what did she say she observed?

23 A. That they were in silver -- what was described to
24 be as duct tape.

25 Q. And did you ask her the shape that they were in or

1 did they remind her of anything?

2 A. Yes.

3 Q. And what was that?

4 A. Things -- I mean, again, you're dealing with the
5 element of low-income housing.

6 Q. Low-income housing has nothing to do with
7 intelligence.

8 A. It does with Faye.

9 Q. I don't know where you get that analysis, that
10 somebody is poor, they have to be stupid. The point is
11 they may be dumb, and I'm not going to argue that with
12 you, or unintelligent, but the fact of what their
13 income level is is irrelevant in my mind.

14 In any event, you're talking about these
15 people that have very little education.

16 A. Mm-hmm.

17 Q. And probably a little intelligence. Now, go ahead.

18 A. She did not ever bring up a peanut. She was asked
19 to describe it. And during the description of that, it
20 was agreed that it was the size of a Domino Sugar box.

21 Q. It was agreed by whom? By Agent Cobb?

22 A. And Faye Bullock.

23 Q. Who suggested the -- the sugar box?

24 A. She described it initially and then Agent Cobb
25 tried to find something that would match her description.

1 Q. Did he point to a television set?

2 A. No, I don't think a television was ever brought
3 into the picture.

4 Q. I'm just trying to think of something that creates
5 a large impression.

6 A. Well, that could be 20 kilos.

7 Q. That could be.

8 This is the sugar box (indicating)?

9 A. Yes.

10 Q. Okay.

11 And this is a pound?

12 A. I believe that's a one pound box, yes.

13 Q. She said -- did she -- were you there when she was
14 questioned by Agent Cobb?

15 A. I was.

16 Q. Did she hold this sugar box and say, Yes, this is
17 about the weight? Do you remember that?

18 A. My recollection was that was the size, which was
19 later -- again, she described that she had done one of
20 each, one powder and one crack.

21 Q. She had done?

22 A. That -- in her house.

23 Q. Yes.

24 THE COURT: Why don't we take a break in a
25 couple minutes, so when you find a spot?

1 MR. BENSON: Why don't we do it now, Judge?

2 THE COURT: We'll take a 15-minute break. I
3 will be back at ten of.

4 (Short recess taken.)

5 - - -

6 (Court resumed after the recess.)

7

8 THE COURT: All right.

9 MR. BENSON: Ready, Judge?

10 BY MR. BENSON:

11 Q. Detective, when we broke, we were talking about, I
12 guess, Faye Bullock and the fact that she indicated to
13 you and to Agent Cobb that her recollection of the
14 packaging of the drugs that she observed was similar to
15 the Domino sugar box; is that right?

16 A. That's correct.

17 Q. And she indicated also, I think in her testimony
18 as well as the 302, that it was about -- that it was
19 equal to one pound; is that right? Do you remember
20 that?

21 A. Everybody came to that agreement, yes.

22 Q. Do you remember who initiated the discussions
23 about the weight? Whether it was Faye or was it Agent
24 Cobb or yourself?

25 A. The way it was -- or the way it came about was

1 that Faye Bullock was asked, again, to describe the
2 package or packages that she, meaning Faye, either
3 observed or had contact or had touched at one point or
4 another during the time frame.

5 Q. Right.

6 A. She would, again, physically, with her hands,
7 describe it and go like that (indicating).

8 Q. Right.

9 A. And we were looking, again, like we did with the
10 basket, to find something to compare it to.

11 At one point, Agent Cobb had come up with
12 the Domino box and Faye Bullock had agreed that that
13 was an accurate, I guess, depiction of what she was
14 describing being this box.

15 Q. All right.

16 A. And, again -- and the investigators, including
17 myself, that that was consistent with what was being
18 told with Linette.

19 Q. Now, that's consistent, you say?

20 A. Well, this -- if you look at the peanut and if you
21 look at what Faye was describing that she was doing one
22 and one, one powder and one crack, and if you put two of
23 these boxes together and you put this together, that's
24 pretty close in my eyes.

25 Q. Well, what Faye is telling you is that Darryl was

1 cooking up all this crack at the house; isn't that
2 correct?

3 A. I hear you say cooking up what?

4 Q. Crack at the house?

5 A. That's correct.

6 Q. Yes. All right. We'll get to that in a second.

7 But basically, to get back to this, Faye, in
8 her 302, indicated that she thought that Darryl was
9 doing, like, four of those boxes a week, which would be
10 four pounds; is that right? Which would be one key of
11 powder and one key of crack?

12 A. Correct.

13 Q. And that would have started sometime in October;
14 isn't that correct?

15 A. According to Faye Bullock, yes.

16 Q. Yes.

17 So October and November would be about
18 eight weeks; isn't that correct?

19 A. Yes.

20 Q. Now, didn't Faye also indicate to you that, for two
21 of those weeks, Darryl was not doing anything because he
22 had been shot?

23 A. The discussion about him being shot was brought up.
24 I don't remember about the two weeks. There was a time
25 frame where it was described as he shut down.

1 Q. Okay.

2 A. I don't remember her saying two weeks.

3 Q. Well, let me suggest to you that yesterday under
4 oath she testified that it was for two weeks.

5 A. That's fine. I just don't recall her saying that
6 to me.

7 Q. Do you agree that even with Faye's testimony, that
8 Darryl did not start cooking crack until sometime in
9 October?

10 A. And, again, we're going back to my memory, is that
11 once Faye was solicited for her house, that shortly
12 after that is when Darryl or Wolfie began to cook the
13 crack.

14 Q. Right after you say?

15 A. I believe it was described as shortly after, which
16 is the same. Right after, shortly after, thereafter.

17 Q. Okay.

18 Do you know when Wolfie started going into
19 Faye's house or started -- made the agreement with Faye?

20 A. I have a pretty good memory. I don't have the
21 best. I'd have to look at the report on the date.

22 Q. If I suggest to you that it was sometime in
23 September, does that help?

24 A. September rings a bell, yes.

25 Q. Around the middle of September?

1 A. If you're suggesting that, then Mr. Benson, I will
2 take you on your word.

3 Q. No, no. I'm not giving you my word that that is
4 it.

5 A. I didn't think you would.

6 Q. I'm asking you if that's helping your recollection
7 or refreshing any memory?

8 A. September does again. I'd have to look at my report
9 and see what's in there. I can only tell you what I
10 recall.

11 Q. And you recall it was September, and it could have
12 been the middle of September.

13 Do you recall Faye telling you that a number
14 of weeks when they initially made contact that Darryl
15 stayed outside and sold drugs?

16 A. That is correct.

17 Q. For about two or three weeks would that have been?

18 A. I believe it was described as a couple weeks.

19 Q. Couple weeks.

20 And that being the case, that would put it
21 sometime into October?

22 A. Probably the first part of October.

23 Q. First part of October.

24 So now Darryl was inside the house. He's
25 gotten himself inside the house. It's the first part

1 of October. And did Faye not tell you that sometime
2 after he had gotten inside the house, a girl or a woman
3 came over and cooked up a small quantity of crack with
4 Faye being there and Darryl being there? Do you
5 remember that?

6 A. No, sir, I don't.

7 Q. Okay.

8 Do you remember Faye telling you that perhaps
9 a few days after that, that another woman, a different
10 woman, came over, and again cooked up a small quantity
11 of crack cocaine with Darryl and Faye being there?

12 A. I don't remember the part about a woman coming
13 over, but I do recall something about crack being cooked.
14 Again, there was a lot of things discussed, and without
15 looking at my reports, I don't want --

16 Q. If you want to look at your report, feel free to
17 do so. It does not matter to me. The main thing is
18 to have a clear understanding so the Judge can make
19 some appropriate ruling. So, you know, feel free to
20 look at your report.

21 A. Now that you say that about someone else, I don't
22 recall the fact about the sex, whether it was a male
23 or female. I do recall the fact it was being discussed
24 about someone coming into Faye's house.

25 Q. All right.

1 A. Other than that, I couldn't tell you who it was
2 or...

3 Q. And then sometime after that, Darryl cooked up
4 his first batch of crack cocaine?

5 A. I can't tell you if that was his first batch.

6 Q. Well, if I represent to you that that is what Faye
7 said, that that was the first time he cooked crack
8 cocaine in her house?

9 A. Cooked it in her house?

10 Q. Yes.

11 A. Then, yes. I don't know if it was his first batch.

12 Q. Well, she also indicated that it was her
13 impression that these women were teaching him how to
14 cook crack, or something to that effect. Do you have
15 any recollection of that?

16 A. I don't recall that being brought up, no.

17 Q. So if that is, in fact, the time sequence, and
18 we're now sometime in the middle of October, and now
19 Darryl is starting to cook crack, how often did Faye
20 tell you that, in fact, Darryl was cooking up crack?

21 A. Again, I'd have to look at the report.

22 Q. Well, why don't you do that, then? If that makes
23 it easier -- do you have your report?

24 A. I need the 302 reflecting that. I don't have that
25 in front of me.

1 Q. Well, if you want to get it, feel free to do so.
2 And you may leave the stand and get it, if you want.

3 A. If the Government has the reports...

4 MR. PRETTYMAN: Your Honor, is it okay if I
5 hand --

6 THE COURT: That's fine.

7 MR. PRETTYMAN: This is a batch of the
8 discovery I provided to Mr. Benson that I've just put
9 in front of Detective Sullivan (handing notebook to the
10 witness). And I'm not saying that that is the report
11 or not that I have the page opened to.

12 THE WITNESS: No, this is not the report.

13 (Pause.)

14 THE WITNESS: The one -- the one 302 was
15 the -- the initial meeting with Faye Bullock and her
16 court-appointed attorney. There was some discussion in
17 that one. But I don't think it's what -- it reflects
18 what you want -- what's your question?

19 BY MR. BENSON:

20 Q. My question is, how frequently did Faye tell you
21 that Darryl was cooking up drugs at her residence?
22 Cooking up crack?

23 (Pause.)

24 THE WITNESS: Okay. Faye, in the one 302
25 report, dated 12/8/97, Faye Bullock advised that

1 Chambers usually will cook three to four times per week.

2 BY MR. BENSON:

3 Q. Okay.

4 A. And does all the selling outside her house.

5 Q. Now, that says three to four times per week. That
6 does not say three to four nights per week, does it?

7 A. No. Three to four. The report reflects three to
8 four times.

9 Q. Three to four times per week, not three to four
10 nights per week; is that right?

11 A. Correct.

12 Q. Did you question her in depth about that statement?
13 Now, she's saying to you, the night of the arrest, that
14 Wolfie cooks three to four times a week at her house;
15 right?

16 Did you ask for or through your investigation
17 try to pursue that and find out exactly what she meant by
18 all of that?

19 A. No.

20 Q. So she's telling you three to four times a week.
21 Did you discuss with her the quantity of the drugs that
22 he was cooking up?

23 A. If I can refer back here...

24 Q. Go ahead.

25 (Pause.)

1 THE WITNESS: I do recall -- and, again,
2 there was no -- there was no weight. It's just that
3 Faye Bullock had advised during the course of
4 conversation that Wolfie would only cook up a little bit
5 at a time. What a little bit is? Again, only your
6 client knows the weights. I can't tell you what the
7 measurement was.

8 BY MR. BENSON:

9 Q. So if he cooked three or four times a week and he
10 would only cook up a little bit at a time, what's the
11 logical conclusion to draw from that, detective?

12 A. I think exactly what you represented here earlier.
13 It would be something like this, like 4 ounces at a
14 shot (indicating).

15 Q. That is a little bit, in your mind?

16 A. Out of a key, it is.

17 Q. So 4 ounces three or four times a week?

18 A. I --

19 Q. Do you believe that that very well could be
20 accurate?

21 A. I can't tell you what the -- the amounts were.

22 Q. I understand. The problem -- here's the problem,
23 so you'll understand, which I'm sure you already do.

24 The Judge has to sentence Mr. Chambers
25 based on weight.

1 A. Mm-hmm.

2 Q. And the purpose of this two-day hearing is to
3 determine -- try to give the Court an idea of the
4 weight.

5 A. I understand.

6 Q. And, you know, Faye Bullock, who you agree is
7 very unintelligent and very unsophisticated, makes a
8 representation, first off, that she does not know how
9 many ounces are in a pound, she doesn't have any idea
10 as to ounces, keys, grams, all of those things.

11 You agree with that?

12 A. Yes, I do.

13 Q. Right?

14 A. Yes.

15 Q. And then based on discussions she has with you and
16 Agent Cobb, she says, well, 25 keys, 13 powder, 12 crack.

17 Now, she says that, and everybody goes off
18 and that's it.

19 Now the question I'm trying to find out, and
20 the purpose of all of this, is: How accurate is that
21 statement? And that's what I'm trying to determine
22 from you.

23 A. I think I can answer that for you, if you let me.

24 Q. I would be more than happy to.

25 A. May I?

1 Q. Please.

2 A. Okay. We agree that Faye and Linette couldn't
3 describe the measurement or the weights accurately.

4 Q. We also agree that they never were given examples
5 of weight --

6 MR. PRETTYMAN: Excuse me, your Honor. The
7 Detective was requested and was permitted by Mr. Benson
8 an opportunity to explain. And before he even gets the
9 first sentence out, he's interrupted with another
10 question.

11 THE COURT: That's okay. I will let the
12 witness and Mr. Benson work out how they want to handle
13 the question and answer.

14 Go ahead, Mr. Benson.

15 BY MR. BENSON:

16 Q. As I was saying, in addition to the weight, neither
17 one were given the opportunity to hold something to
18 equate that weight with what they either saw, observed,
19 or carried belonging to Mr. Chambers; isn't that
20 correct?

21 A. They could not describe the weights at all.
22 That's what I'm trying to tell you. They were describing
23 the size of the package.

24 Q. I understand.

25 But don't you agree with me, after our

1 discussions, that the size does not in any way
2 necessarily dictate the weight?

3 A. It does, if you allow me to finish.

4 Q. Well, didn't we spend 15 minutes -- excuse me,
5 Officer -- indicating just this, with these three
6 examples? That these three examples certainly are not --
7 you look at the size of those and you would certainly
8 be disillusioned into thinking which one would be the
9 heaviest; isn't that correct?

10 A. Exactly, but --

11 Q. Okay.

12 A. That's not what I was trying --

13 Q. Go ahead.

14 A. You asked me a question. I was trying to give you
15 what my answer is.

16 Q. Go ahead.

17 A. I can only -- I said this to you earlier: I don't
18 know the weights. I wasn't with Wolfie, none of us were,
19 except for him. I can't tell you what the weights were.
20 I can only tell you what my training and my experience,
21 with my interviews, I made an opinion.

22 After that opinion, their descriptions of
23 Faye Bullock. She was -- she would see one and one.
24 One of these in powder, one of these in crack
25 (indicating). That's a kilo, combined weight.

1 If you look at two boxes of sugar and you
2 look at this (indicating), my experience and training
3 would dictate that that is a kilo.

4 Q. I understand. I'm sorry?

5 A. If I can finish...

6 Q. Go ahead.

7 A. Now, Linette Crawford describes and then draws what
8 she remembers as being what she transported and had seen
9 on occasion as being this big peanut and then a little
10 peanut (indicating).

11 My experience and training and what she is
12 describing and what I'm looking at is, in my opinion, a
13 kilo (indicating).

14 After these two interviews and these two
15 descriptors were given by each co-defendant separately.
16 And then, after the interview with your client, I have
17 come to a conclusion that, after his admission of 15 to
18 20 kilos and their descriptions of kilos or half-kilos,
19 one and one, that the girls were accurate in their
20 descriptors and that kilos, not quarter-kilos
21 (indicating), were transported or...

22 Q. In the meantime, the defendant's exhibit, putting
23 up against the drawing, you've conceded earlier, is
24 consistent, and, in fact, may be bigger than the drawing
25 that Linette testified to yesterday is typical of what

1 she transported; isn't that correct?

2 A. From someone who does not know weights, this is
3 bigger and looking at this peanut, this is bigger than
4 that smaller peanut.

5 Q. I understand. But, Officer, you never gave them
6 the example or the opportunity to hold either a kilo of
7 drugs or a quarter-kilo or a half a kilo or that smaller
8 package that may be two keys; isn't that correct?

9 A. I never let them hold anything. They only describe
10 it, one describe it and agree to a size of a box. One
11 described it and then drew it.

12 After your client gave us the statement
13 that he did 15 or 20, I made a conclusion that those
14 girls were accurate in what they described as kilos.
15 That's my opinion.

16 Q. Okay. I understand.

17 Now let's get back to your conversation with
18 Faye.

19 She indicated to you that she saw Wolfie
20 cook crack three times -- three to four times a week;
21 right?

22 A. Correct.

23 Q. Now, what does that mean to you? I mean, when
24 that statement is made, what does that tell you, based
25 on your experience?

1 A. That he's cooking for supply and demand. Whatever
2 he needed to sell, that's what he was taking off the
3 block or the brick or the key and cooking it up.

4 Q. Three to four times a week?

5 A. Yes, sir.

6 Q. All right.

7 Did Linette tell you that, in fact, she
8 observed two sales taking place, where he sold crack, I
9 guess a rock, for \$50? Did she tell you that?

10 A. I don't -- which -- which interview or conversation
11 are you referring to?

12 Q. She testified to that yesterday, that she observed
13 Darryl sell crack on two occasions in one night, two
14 separate times, where he sold a rock for \$50.

15 A. And this was who? Linette or Faye?

16 Q. Linette.

17 A. I don't recall that. But if you are saying she
18 testified to that --

19 Q. What quantity of crack would \$50 purchase?

20 A. It depends.

21 Q. Actually, she said 50 or 60 dollars.

22 A. It all depends.

23 Q. Depends on what?

24 A. If you knew the subject, the subject was a
25 regular customer -- there's a lot of denominators in

1 there.

2 Q. Well, typically, based on your street experience,
3 what do you buy for 50 or 60 dollars, as far as crack?
4 Do you get an eight -- what do you call it?

5 A. An eight-ball is 3-1/2 grams.

6 Q. So that would be a lot more than -- yes. So what
7 would you get for \$50?

8 A. A little over a half, maybe.

9 Q. Okay.

10 A. Half a gram.

11 Q. I mean, that's consistent? Is that --

12 A. When you're talking drugs in the city, things are
13 consistent and things are inconsistent. But more
14 consistent than not, it's usually a \$50 piece or \$50
15 rock or a 50, it could be anywhere from .5 to .8. It
16 depends if it's being paid.

17 Q. All right.

18 So, in any event, that is consistent, as
19 far as \$50 and all that business; right?

20 A. For a \$50 piece? Yes.

21 Q. Now, did Faye tell you that Linette was at her
22 house most evenings? Did you ask Faye that?

23 A. I think the way it was described to me and, again,
24 from my memory, is that Faye was over her house a lot.

25 Q. A lot? You mean Linette was?

1 A. Linette was over Faye's house a lot, but Linette
2 could not stand the smell of the crack when it was
3 being cooked and would leave.

4 Q. Well, the 302 indicates that Linette was over
5 Faye's house on two occasions when crack was being
6 cooked.

7 A. Okay.

8 Q. And that the second time or first time -- one or
9 the other time, she left because of the smell. So she
10 was only there, and she so testified, on two occasions
11 when crack was being cooked.

12 A. That's fine. That's fine.

13 Q. But she also indicated she was there a lot of
14 nights.

15 A. That's correct.

16 Q. Which, when no crack was being cooked. Faye
17 indicates that crack was being cooked three or four
18 times a week.

19 A. Well, Linette didn't stay there. It could have
20 been cooked before she got there.

21 Q. And my question, I guess, rhetorically, is how
22 could it have been cooked before she got there if she
23 brought the drugs?

24 MR. PRETTYMAN: Your Honor, if it's a
25 rhetorical question, then it shouldn't be asked to a

1 witness.

2 MR. BENSON: Well, then, I will rephrase
3 it.

4 BY MR. BENSON:

5 Q. Do you agree that Linette was the one bringing
6 the drugs to Darryl?

7 A. Yes.

8 Q. So if Linette is bringing the drugs to Darryl,
9 obviously, he can't cook up drugs before she gets there
10 with the drugs; isn't that correct?

11 A. That's absolutely correct.

12 Q. Okay.

13 So now she gets there. She has the drugs.
14 She spends the night. He's not cooking drugs. He wraps
15 up, gives her back the drugs, and she leaves. We had
16 that discussion a little earlier.

17 No drugs are being cooked that night?

18 A. Which night?

19 Q. Any night? A hypothetical night. A night where
20 she drops the drugs off, she spends the night, and she
21 spends the night until 9:00 o'clock or so. They close
22 down and then she leaves with the drugs.

23 She has testified she was only there twice
24 when drugs were being cooked.

25 A. I understand that part.

1 Q. And Faye has indicated that Linette was at her
2 house a lot of times. Faye testified under oath
3 yesterday that she was there probably 90 percent of the
4 time that Darryl was there.

5 A. Okay.

6 Q. Okay?

7 So isn't it logical to conclude that if Faye --
8 if Linette is at Faye's house 90 percent of the time, and
9 Faye objects to the crack being cooked, that it's not
10 being cooked when she's there?

11 A. No.

12 Q. No?

13 A. What if Linette stepped outside? There's too many
14 things you can say here. I mean, what if I was on the
15 corner? I mean, what if I was off that day? There's
16 too many things to throw into the picture.

17 Q. Exactly. The point being is that you don't really
18 know?

19 A. I don't know. Your client is the only one who
20 knows.

21 Q. And do you agree Faye doesn't know?

22 A. Faye knows, but I don't think she can tell you
23 what percentage of the time she was there. No one knows.

24 Q. And do you agree that Faye is subject to be, for
25 want of a better word, manipulated?

1 A. I don't know if I would say manipulated. I would
2 agree yes and no on that.

3 Q. Would you agree that she is borderline intelligence
4 and that she's subject to being -- that she's subject to
5 accepting suggestions? That she really doesn't know?

6 A. Well, I think both --

7 Q. Linette and Faye?

8 A. Yes.

9 Q. Now, you testified also about the lab report for
10 the items that were seized from Faye Bullock's house,
11 and you indicated that the lab report indicated that
12 there was a print on the digital scale and the Duracell
13 battery; isn't that correct?

14 A. I know the scale, the battery.

15 Q. Okay.

16 Well, on the scale, in any event. And that
17 was Darryl Chambers --

18 A. It was a latent print compared to the ones I had
19 taken from your client.

20 Q. Right.

21 A. And the one obtained off the scale.

22 Q. Now, the lab report also indicated that everything
23 else that was sent for analysis was, in fact, analyzed,
24 including the weapons; isn't that correct?

25 A. That is correct.

1 Q. And isn't it true that the weapons came back
2 without Darryl Chambers' prints on them or having been
3 identified as being on the weapons?

4 A. You are most certainly correct.

5 Q. And also on the bullets?

6 A. The only thing that we received or obtained a print
7 off was the scale. That's the only thing we're bringing
8 up.

9 Q. Right.

10 And, in fact, the report comes back that
11 there were no identifiable latent print impressions on
12 the other items?

13 A. The only print in question here is on the scale
14 is the only thing that matched your client's
15 fingerprints.

16 Q. Exactly. There are no other fingerprints found;
17 right?

18 A. The only identifiable print was on the scale,
19 which matched your client's.

20 Q. All right.

21 In addition to that, isn't there a statement
22 from Faye Bullock, indicating that she never saw Darryl
23 Chambers possess the drugs or deal with the drugs and
24 have a weapon in his possession at the same time? Do
25 you remember that?

1 A. Yes. She testified at the same time. That's
2 correct.

3 Q. Okay. At the same time?

4 A. Absolutely.

5 Q. They both testified, Linette and Faye, that they
6 did see Darryl with a weapon; is that right?

7 A. Several times, saw him deal several times, but
8 never at the same time.

9 Q. Exactly.

10 A. I agree with you a hundred percent.

11 Q. Okay. Fine.

12 Now, in a 302 that was prepared, I guess, by
13 you, dated December the 15th, in reference to Linette --
14 I'm sorry. Linette Crawford. I asked her yesterday -- I
15 read her this sentence that's in your 302:

16 "Crawford has personally seen at one
17 time what she described as a kilo in that
18 Chambers bag that she would hold for him."

19 She emphatically denied ever saying that.

20 She again re-emphasized that she has no idea what a kilo
21 is and that she would have never said that to you.

22 A. Okay. You're saying on the 15th?

23 Q. Yes.

24 A. The 302 authored by me?

25 Q. Well, it has your name here.

1 A. Okay. At the second paragraph, third paragraph in?

2 Q. Second paragraph -- third paragraph, yes.

3 A. Okay. And, again, if you look at that, and what
4 I've been saying this whole time that I've been on the
5 stand, and I will read it for you again:

6 "Crawford had personally seen at one
7 time what she described as a kilo."

8 Described. Kilo is what I determined it to
9 be. That's my interpretation.

10 Q. So she gave a description of what she saw?

11 A. That's what I've been saying the whole time on the
12 stand, Mr. Benson.

13 Q. So basic -- and the description would have been, I
14 saw a peanut-shaped thing, six or seven inches long, two
15 inches wide at the end, two to three inches wide at the
16 end going down to one inch in the middle and so you put
17 the word kilo with that?

18 A. I did.

19 Q. You did?

20 A. I've been saying that the whole time.

21 Q. You could have just as easily put quarter-key with
22 that?

23 A. I think that's what you wanted to put.

24 Q. No, no. I want to know the truth. I don't think
25 you know the truth, nor do I.

1 A. I can only tell you what my experience and training
2 and their description of the package that they
3 transported was.

4 Q. Right. But in the meantime, the description that
5 she gave you is exactly what I just told you and what
6 she drew: A six- or seven-inch long peanut-shaped item,
7 three inches wide at either end, slimming down to about
8 an inch in the middle?

9 A. That's correct.

10 Q. That's correct.

11 You, based on that description, without her
12 saying how much it may have weighed or lifted it up and
13 saying, Gee, it was heavy, it was heavier than this,
14 lighter than that, you know, all those kind of things,
15 you said, Well, based on my experience, that's a kilo;
16 isn't that correct?

17 A. And what I've been saying, the word prior to that
18 described --

19 Q. Just yes or no?

20 A. That's what I believe to be a kilo.

21 Q. So that description that she gave you is what you
22 described as a kilo?

23 A. That is an accurate depiction of what I believe to
24 be a kilo: 2.2 pounds.

25 Q. But Linette never said it was a kilo. She never

1 said it weighed over two pounds.

2 A. No. I never said that.

3 Q. No. I never said you did. There was never any
4 discussion from Linette or Faye as to weight; isn't
5 that correct?

6 A. We agreed upon that a long time ago.

7 Q. Okay.

8 Now, you indicate in your 302 that since
9 June/July of '97, Crawford believes that Wolfie has
10 moved at least 25 kilos of cocaine that she is aware of.

11 Now, yesterday she testified that her
12 relationship with Wolfie, as far as -- started around
13 the beginning of August.

14 A. Okay.

15 Q. So where did the date June come from or the month
16 June come from?

17 A. That was from her statement at the time of her
18 interview with her court-appointed attorney.

19 Q. Okay.

20 Did she, in fact, tell you that her
21 relationship with Wolfie started in August? Around the
22 beginning of August?

23 A. Which 302 is that?

24 Q. This is the same one that we were talking about,
25 actually.

1 A. The back page?

2 Q. Yes. It's December the 12th, Page 2.

3 (Pause while the witness reviewed the
4 report.)

5 THE WITNESS: Okay. The bottom -- one of
6 the last paragraphs. It says June/July '97, Crawford
7 believes Wolfie has moved at least 25 kilos of cocaine
8 that she is aware of.

9 BY MR. BENSON:

10 Q. Yes?

11 A. Okay?

12 Q. Yes.

13 A. And your question is?

14 Q. Didn't she also tell you or didn't she tell you
15 that her relationship with Wolfie, as far as being a
16 courier or whatever, started in August, about the
17 beginning of August?

18 A. I know it was summertime and this is an accurate
19 report of what she stated that day, when she first did
20 it. And I believe, according to Linette Crawford, was
21 that she picked up or she started doing it like full-time
22 after that, which would have been, I guess, maybe in
23 August.

24 Q. Now, she also believes that there were 12 crack and
25 13 were powder of the 25 kilos.

1 Did you question her about where she made
2 that determination or how she drew that conclusion?

3 A. Yes.

4 Q. And did you ask her if it came from her visualizing
5 12 or -- 12 kilos of crack cocaine by seeing it?

6 A. It was never brought up kilos, again, because it
7 was described as, what, peanuts. So during the interview,
8 again, we referred to, Well, how many peanuts did you
9 carry? And she said about 12 powder, about 13 rock.

10 Q. Now, if I tell you that yesterday she testified
11 under oath that, in fact, she only saw crack on two
12 occasions, one occasion being in August, where she
13 thought -- when I say saw, she had a ball of what she
14 believed was crack cocaine, because Darryl opened it in
15 front of her, and she saw the color of it.

16 A. Okay.

17 Q. And believed that that was crack cocaine, but it
18 was a small ball, which -- which she described as being
19 about the size of the end of this peanut (indicating)
20 that the defense -- Defense Exhibit 1. And that was in
21 August. And that the only other time that she saw crack
22 cocaine was the time when Darryl sold two rocks to two
23 different people on one night for about \$50 each.

24 A. Okay.

25 Q. That she got this information, that I guess she

1 relayed to you, from what Faye told her, that Darryl
2 was halving the drugs, and that Faye was complaining to
3 her about he was cooking up all these drugs.

4 Do you remember any of that conversation?

5 A. Yes, I do, and that is an accurate statement.

6 Q. That is accurate?

7 A. That Linette said Faye had told her --

8 Q. Yes.

9 A. -- more on the quantity than she actually saw
10 herself.

11 Q. Okay.

12 So then when you say in your 302 Crawford
13 believes that 12 were crack and 13 were powder, she
14 believes it not because of any first-hand information
15 that she has, she believes it based on what she told you
16 that Faye told her; isn't that correct?

17 A. That is correct.

18 Q. So when you questioned Linette, did you, in fact,
19 conclude that Linette, from first-hand information, and
20 first-hand knowledge, and her own personal observation,
21 really didn't know how much, if any, crack was involved
22 with Darryl?

23 A. The amounts?

24 Q. Yes. Amounts. We know there's crack involved.
25 Nobody is saying otherwise.

1 A. I can't tell you -- she did not know the exact
2 amounts. She wasn't privy to that -- from my
3 information from doing the interviews that Faye was.

4 Q. She didn't know any of the amounts?

5 A. Just what she -- I believe it was two different
6 occasions that she personally observed.

7 Q. Exactly. And they were very small quantities both
8 times, were they not?

9 A. Again, I think your depiction of one ball was
10 accurate, but she did admit to seeing peanuts in the bag,
11 because she had looked into the bag, but she didn't feel
12 them or weigh them --

13 Q. Yes.

14 A. -- she saw a lot of the gray duct tape peanuts.

15 Q. Yes. And you cannot conclude from that statement
16 that they were crack as opposed to powder; right?

17 A. Not from that statement, no.

18 Q. From any statement that she gave you, from her own
19 personal knowledge? She never felt it. She never
20 observed it. She never saw anything?

21 A. She had -- she had touched it, I believe, during
22 the one statement that she made, that she did touch one
23 and it was real hard.

24 Q. Yes.

25 A. That's the only time that she stated she felt one

1 of the packages.

2 Q. Right. And real hard certainly does not in and of
3 itself mean that it was crack. You just testified
4 earlier about touching the powder, and that was hard,
5 and that was rock-like?

6 A. Well, in appearance, when you feel it, you can tell
7 the difference.

8 Q. Well, you can tell the difference.

9 Did you ask Linette if she could tell the
10 difference?

11 A. I believe I did, and I believe she stated she did
12 not know the difference.

13 Q. Okay. Thank you.

14 So she could not tell the difference between
15 crack and powder by the feel of that particular bag?

16 A. No. Linette was not a, to my knowledge, was a drug
17 user or had knowledge of --

18 Q. Right.

19 (Pause.)

20 BY MR. BENSON:

21 Q. Did you ask Linette how often she spent nights at
22 Faye's house?

23 A. See, you're confusing me, because when you say stay,
24 do you mean sleep-overs?

25 Q. No, no, no. I mean did she spend time? I thought

1 I corrected myself. I apologize.

2 A. That's -- and, again, interpretation comes into
3 play here. When you say stay, I mean, that could mean
4 going over. From my experience, when someone stops by,
5 that's open to interpretation. Your interpretation, my
6 interpretation, everybody in this courtroom.

7 Q. Well, let me try to be a little bit more specific,
8 if I may. Let's say we're in October and Faye is at the
9 house. Darryl is there. He beeps Linette. She brings
10 the book bag with the drugs. They're wrapped. It's a
11 peanut, whatever that means, and most of those nights
12 would you ask her whether or not she would spend, you
13 know, three or four hours there with Faye and Darryl,
14 hanging out, while Darryl did his thing, or would she
15 leave?

16 Did you question her about that?

17 A. Mr. Benson, to answer that, no, I did not, because
18 if we go into depth on every question, I'd still be
19 writing. I'd probably have the Encyclopedia Sullivan.

20 Q. Does that mean the answer is no?

21 A. Exactly. No.

22 Q. So you don't know how much time she spent there.
23 If she said yesterday she was there a lot of time and if
24 Faye said there she was 90 percent of the time, you have
25 no reason to dispute that?

1 A. I agree with that. Both said that they were there
2 together. But what time were they actually in the house
3 together? I can't tell you. I mean, I don't think they
4 were Siamese twins, but --

5 Q. I understand. But they spent a lot of time
6 together when Darryl was there?

7 A. And whether they were both inside the dwelling at
8 the time, I can't tell you.

9 Q. Well, Linette indicated that she was there a lot
10 of time.

11 A. Exactly. They both describe that to us on several
12 times. I can't tell you what the -- describe a lot of
13 times. She could have walked in and said, Hey, what's
14 happening? Here's the stuff. See you. I will be out
15 front.

16 Q. Now, when -- just a couple more questions, Officer.
17 When Faye said to you, Darryl is cooking crack
18 at the house, and she says three or four times a week,
19 what did you think -- what did that mean to you? Did you
20 think three or four times a week, or did you perhaps
21 misperceive that she was saying three or four nights a
22 week?

23 A. Mr. Benson, I think I answered this earlier: Three
24 to four times a week, to me, in the 15 years that I've
25 been doing narcotics investigations, is that it's supply

1 and demand. When the crack starts to run off, let me
2 cook up another batch and have some ready. It's all
3 about money. Everything is about money.

4 Q. And isn't it typical that typically the crack is
5 cooked up in quantities of three to one? In other words,
6 three ounces of powder, one ounce of bicarbonate. You'd
7 cook that up and you'd end up with like three ounces of
8 crack?

9 A. It all depends on who the cook is.

10 Q. Well, but generally speaking, isn't that typical
11 formula?

12 A. No. There are too many --

13 Q. No?

14 A. -- formulas. You can cook A-1, if you want. You
15 can do three to one.

16 Q. Is that A-1, as you put it?

17 A. Can be. It depends on who the cook is.

18 Q. What's the difference?

19 A. You can cook garbage.

20 Q. What's garbage?

21 A. You'll find sodium bicarbonate in the crack. They
22 don't let the impurities go to the bottom. As soon as
23 they dump it in, they scoop it out.

24 Q. And what was determined by the examination of
25 this -- these drugs?

1 A. No sodium bicarbonate present.

2 Q. So what does that mean?

3 A. The cook knew what he was doing, let all the
4 impurities go to the bottom. You scoop out the cocaine
5 base, which is an oil base, which floats to the top,
6 cook it out, chill it, cool it, dry it out a little bit
7 and then wrap it.

8 Q. Right.

9 Now, the scale that you referred to, you said
10 that scale is capable of weighing any quantity, isn't it?
11 It's a digital scale?

12 A. That scale, according to the package, will weigh up
13 to 10 pounds.

14 Q. Up to 10 pounds. And it's accurate for ounces, is
15 it not? Like 4 ounces, 5 ounces?

16 A. From zero to 10 pounds.

17 Q. Right. So I mean if somebody wanted to weigh a
18 quarter-key, which is, I guess, 8 ounces?

19 A. I will make it even easier for you. How about a
20 quarter-ounce?

21 Q. You could weigh a quarter-ounce?

22 A. You could weigh a 10th of an ounce. From zero to
23 10 pounds.

24 Q. So you don't have to presume that it was purchased
25 to weigh large quantities of drugs? It can weigh any

1 quantity, from zero up to 10 pounds, you say; is that
2 correct?

3 A. No.

4 Q. It's not correct?

5 A. Someone involved in large quantities of drugs buys
6 a large scale.

7 Q. Why? I mean why not by a large scale anyway?

8 What's the difference?

9 A. Money.

10 Q. Well, how much does that cost, that scale,
11 approximately?

12 A. I don't know, but it's all about money. This
13 whole business is about money.

14 Q. Well, but, you know, that's why some people by
15 Jaguars and some people by Tauruses, I guess, or
16 whatever.

17 A. You own a Jag.

18 Q. That may be. But the point is that this -- the
19 scale here can be used for any quantity.

20 A. From zero to 10 pounds.

21 Q. And do you know the cost of these various scales?

22 A. It's like any other store. You can go to WalMart,
23 you can go to K-Mart. You can go to any other store and
24 they'll vary. It's like watches. You probably have a
25 different time than I have.

1 Q. The point is you can't surmise and presume that
2 because this scale weighs up to 10 pounds, that somebody
3 is dealing weight?

4 A. I can surmise that.

5 Q. But that's -- that certainly is not an accurate --
6 that can be your opinion, but there's no evidence to
7 support that.

8 A. That is my opinion.

9 Q. But there's no evidence to support that because of
10 the size of the scale.

11 A. Yes, there is.

12 Q. There is?

13 A. Yes.

14 Q. What is it?

15 A. I've looked up -- again, at the low end of the
16 scale, a minimum of 5,000 people for drugs.

17 Q. Yes?

18 A. I've never seen a guy out on the corner clocking or
19 working on the street selling with a 7-Eleven Slurpee
20 scale cut in half with a 10-pound scale on the corner,
21 trying to weigh out a piece. It doesn't happen.

22 Q. Of course not. They may not even have a digital
23 scale; right?

24 A. A lot of them do.

25 Q. Right?

1 A. A lot of them do. Small time, small scale. Big
2 time, big scale.

3 Q. That's your opinion.

4 A. That's what you asked for.

5 Q. Yes, that's true.

6 Now, as far as the bowl, again, that bowl,
7 you can cook any quantity up, to I guess you said, 4
8 ounces or something? What did you say?

9 A. Four cups or one quart.

10 Q. Yes. Any quantity you can cook in that?

11 A. From zero to one.

12 Q. Zero to one. Exactly.

13 There's nothing to indicate by looking at
14 that bowl the typical weight that was cooked down? Is
15 there like a line around something? Do you know what
16 I'm saying, how you can do that?

17 A. It was -- all indications from our interviews was
18 that your client would wash the bowl after -- apparently,
19 he was a very clean cook.

20 Q. Right.

21 A. No, there wasn't any rings or --

22 Q. No ring or anything that could cause you to draw
23 a conclusion?

24 A. No, sir.

25 Q. Again, going back to the May 27th statement that

1 you referred to Mr. Chambers, do you have notes?

2 A. To be quite honest, Mr. Benson, I think I told you
3 this earlier on: Was that the notebook that I had that
4 day in question, I could not tell you where it went. I
5 had it.

6 Q. So, basically, your 302 that you prepared is based
7 on your memory?

8 A. That's correct.

9 Q. As opposed to a review of your notes?

10 A. That's correct.

11 Q. And, again, all of us being human, it's subject to
12 mistake, a wrong conclusion, et cetera? I mean, people
13 do make mistakes?

14 A. I don't think so, because I think we're in agreement
15 on that, that your client admitted they're only doing 4
16 ounces. And I stand by that.

17 Q. What do you mean, you stand by that?

18 A. He told us that day in the U.S. Attorney's witness
19 room that from shortly after Thanksgiving to the time
20 that he was arrested, that he had only cooked about 4
21 ounces of crack. I'm not arguing with that; that's what
22 he told us. If you'd like, we can go into the
23 conversation, but I don't know if you want me to.

24 Q. I don't remember that part.

25 MR. BENSON: Your Honor, may I just take a

1 moment, please?

2 THE COURT: All right.

3 (Pause while Mr. Benson and the defendant
4 conferred.)

5 MR. BENSON: Your Honor, just two points.

6 MR. BENSON: My client wants me to, again,
7 emphasize, and I need to go back to Detective Sullivan.

8 BY MR. BENSON:

9 Q. You remember when I questioned you about Linette
10 testifying that on one occasion, she saw a peanut the
11 size of the outer drawing?

12 A. The bigger peanut.

13 Q. The bigger peanut. That every other time, it was
14 the smaller peanut, which is consistent with the Defense
15 Exhibit 1.

16 In looking at your 302 on December the 15th,
17 I asked you -- I'm going to read you this:

18 "Crawford has personally seen that
19 one time what she described as a kilo in
20 that Chambers bag that she would hold
21 for him."

22 Does that -- is that not consistent with what
23 her testimony was yesterday? That on one occasion, she
24 saw what she believed to be the bigger peanut?

25 A. That is consistent, and I'm in 100-percent

1 agreement with that.

2 Q. Okay.

3 The other thing is that you have a clear
4 recollection that Darryl Chambers indicated in the
5 meeting on May the 27th that he started cooking crack
6 in November and not in October?

7 A. He had told us in the meeting, with you present,
8 that he started cooking right after Thanksgiving, because
9 he needed the extra money. The young boys did all the
10 other cooking. I don't know if that would help you out.

11 Q. Well --

12 A. He needed the extra money.

13 Q. I was there, you say?

14 A. You were present, I was present.

15 Q. Okay.

16 A. That was the statement and I stand by it 100
17 percent.

18 MR. BENSON: Okay. Nothing further.

19 MR. PRETTYMAN: Your Honor, I have some
20 redirect.

21 THE COURT: All right.

22 REDIRECT EXAMINATION

23 BY MR. PRETTYMAN:

24 Q. Detective Sullivan, you testified that you were
25 confident in your statements in the report that was

1 written based upon the May interview with the defendant
2 in Mr. Benson's presence; is that correct?

3 A. That is very correct.

4 Q. And are you -- do you have any doubts that the
5 defendant told you that on or about Thanksgiving of 1997
6 until his arrest, that he said from his own mouth to
7 your ears that he cooked 4 ounces of cocaine into crack
8 cocaine?

9 A. That's exactly what he said. And, again, he did
10 it because he needed the extra money. He said it's the
11 first time he ever did it.

12 Q. And are you also as confident that the defendant
13 said to you during that interview that during the
14 approximately six months of the conspiracy, that he
15 possessed with intent to distribute and distributed
16 between 15 and 20 kilos -- kilograms of cocaine
17 hydrochloride?

18 A. And I have to explain that again, is that we came
19 to that number after we all agreed that there was the
20 good month, the bad month. The beginning of the month,
21 compared to the end of the month. It was agreed upon
22 at the end of that interview that 15 to 20 kilos of
23 cocaine was an accurate number. We all agreed upon that.

24 Q. What's the date on which you wrote the 302? Do
25 you still have that? That 302 of the interview that's

1 marked as an exhibit in front of you? I think it's
2 Government's Exhibit 18.

3 A. June 18th.

4 Q. And did you write that Government's Exhibit 18 when
5 your memory of that interview with the defendant in the
6 presence of his lawyer was fresh in your mind so that
7 it's an accurate report?

8 A. It was accurate when I wrote it and it's accurate
9 today. I know that because -- and I think I explained
10 that to you afterwards, is that I felt that that was an
11 inaccurate reflection, and I wanted to terminate the
12 interview. I remember the entire interview very
13 vividly.

14 Q. Just to make sure that I understand, the
15 inaccurate reflection was you disagreed with the
16 defendant's crack cocaine statements about it only
17 being 4 ounces of crack cocaine and the interview
18 terminated at that time?

19 A. That is correct.

20 Q. Do you still have the Medical Examiner's report?

21 MR. PRETTYMAN: May I approach the witness
22 again, your Honor?

23 THE COURT: All right.

24 BY MR. PRETTYMAN:

25 Q. Do you still have the Medical Examiner's report?

1 A. Yes.

2 Q. Government's Exhibit 10-F?

3 In Government's Exhibit 10-F, does it indicate
4 that the net weight of the substance which a random sample
5 of 50 bags were tested and proved to be crack cocaine,
6 that the net weight of the substance in that sample was
7 30.09 grams of crack cocaine?

8 A. That's what's reflected on the report, yes.

9 Q. And is that consistent with the seizure of the
10 crack cocaine that you observed on December 8th, 1997,
11 that was seized in the little bags with the horses on it
12 from the roof overhang that the defendant, Darryl
13 Chambers, was arrested on?

14 A. Yes.

15 (Pause.)

16 BY MR. PRETTYMAN:

17 Q. Did Faye Bullock or the defendant -- during that
18 interview on May 27th, on either occasion, were you
19 told by either Faye Bullock or the defendant the
20 defendant had sources of cocaine that would bring the
21 drugs to him?

22 A. Yes.

23 Q. And that these would have been sources of cocaine
24 other than the drugs that Linette Crawford would bring
25 back and forth? It was not Linette Crawford as the

1 source of the cocaine; is that correct?

2 A. No.

3 Q. Yesterday, Faye Bullock testified that sometimes
4 the defendant would be cooking the cocaine, the crack
5 cocaine, when she would be upstairs in her room,
6 sleeping or getting ready for bed, I guess, and that she
7 would come down and she would see it.

8 Is that consistent with the statements that
9 you have about she and -- about Linette Crawford not
10 always being present when the crack cocaine was cooked?

11 A. That's correct. Present could be like possession
12 I think defined by law. They could be in the house, but
13 not directly in the kitchen.

14 Q. Did you or any other law enforcement officers or
15 anyone manipulate Faye Bullock or Linette Crawford in
16 order to give the statements that they gave, describing
17 the cocaine, the crack cocaine, or the stipulations that
18 they reached in terms of the weight of the cocaine and
19 crack cocaine?

20 A. No, sir, we did not.

21 Q. You testified that the two firearm exhibits were
22 seized in the same approximate area as the scale, which
23 the fingerprint was found by the ATF fingerprint
24 examiner that matched the defendant's fingerprint; is
25 that correct?

1 A. Correct.

2 Q. How far in distance was the gun away from the
3 scale?

4 A. Right next to it, in the cabinet.

5 Q. In the same cabinet?

6 A. Yes, sir.

7 Q. And what other items were in the same cabinet that
8 could be used to either manufacture, process, bag or
9 weigh crack cocaine?

10 A. There was a smaller digital scale, which is
11 commonly used for weighing smaller packages. There's a
12 cutting agent bottle.

13 Q. By cutting agent, you mean something to dilute the
14 cocaine?

15 A. Yes.

16 Q. Okay.

17 And that was all in the same general area?

18 A. That was all inside the bag. The only thing outside
19 of the bag that was seized was the large 10-pound scale.
20 Everything else was -- except for the drugs that were in
21 the overhang, was contained inside of the black book bag,
22 which was described and directed as being Wolfie's.

23 Q. The cocaine hydrochloride that was seized from
24 the ceiling cabinet or the kitchen area of the -- of
25 Faye Bullock's house on December 8th, 1997, by law

1 enforcement officers, how far away was that cocaine from
2 the guns and the scale with the defendant's fingerprint?

3 A. Right next to it. The only thing that was away
4 from the scale was the 240 bags of rock substance and
5 two bags of the powder substance, which was in the
6 overhang. Everything else -- I take that back -- with
7 the exception of the two pagers was found in that
8 cabinet.

9 Q. Now, Mr. Benson asked you some questions about
10 large scales and small scales and the sizes of bowls.
11 And I want to ask you some followup questions based upon
12 your training and experience about that.

13 In terms of your training and experience,
14 what type of cocaine and crack cocaine distributors use
15 scales that can way weigh up to 10 pounds of cocaine
16 and crack cocaine?

17 MR. BENSON: Your Honor, I'm going to object.
18 It has already been asked and answered a couple times.
19 I don't see the relevance of this.

20 THE COURT: Overruled.

21 MR. PRETTYMAN: Thank you, your Honor.

22 THE WITNESS: I can only give you one
23 conclusion that I've developed or obtained over the years
24 is that I think I said it best: Small scales, small-time
25 dealer. Big scales, big-time dealer.

1 BY MR. PRETTYMAN:

2 Q. What would a big time cocaine and crack cocaine
3 distributor, why would he need a 10-pound scale as
4 opposed to a little digital scale that would weigh ounces
5 or grams?

6 A. When you're dealing in pounds. Again, I've never
7 said this and I stand by this today, is that my conclusion
8 or my opinion was drawn after the interviews with the
9 defendants and that -- or all three defendants. My
10 opinion is that the weights were kilo weights, which I
11 think the scale supports in that it will weigh up to 10
12 pounds. You cannot weigh a kilo on that little teeny
13 digital scale. That is for weighing a smaller package,
14 usually used for street sales.

15 Q. Grams and maybe --

16 A. Up to an ounce, a couple ounces. The size will
17 not allow you to get the whole package on it.

18 Q. In connection with the bowl, you mentioned that it
19 was four cups or a quart in size. What does your
20 training and experience tell you about a person using
21 that size of a bowl to cook cocaine into crack cocaine
22 and the type of quantities that will be cooked?

23 A. That it's used for the cooking or the making of
24 large quantities. I mean, if you ask me about the
25 quantity, I can give you what my experience and training

1 would dictate, and that would probably be around three,
2 four ounces.

3 MR. PRETTYMAN: Thank you. I have no further
4 questions, your Honor.

5 THE COURT: All right. You may step down.

6 THE WITNESS: Thank you, your Honor.

7 Do you want me to take this evidence off of
8 here?

9 THE COURT: You can leave it there.

10 (Witness excused)

11 - - -

12 THE COURT: Let's talk about scheduling for a
13 minute.

14 You are resting?

15 MR. PRETTYMAN: Yes.

16 THE COURT: All right. I think there was one
17 exhibit that you offered that I reserved decision on
18 based on cross. I believe there's only one. Is that
19 consistent with your recollection?

20 MR. PRETTYMAN: Yes, your Honor.

21 THE COURT: All right. And do you want to
22 remove the admission of that exhibit?

23 MR. PRETTYMAN: Yes, your Honor.

24 THE COURT: And I will hear objections. Do
25 you want to continue to pursue your objection to that?

1 MR. BENSON: I forget what the exhibit is
2 now.

3 THE COURT: All right.

4 DEPUTY CLERK: 10-G and H.

5 THE COURT: 10-G and H?

6 MR. PRETTYMAN: Actually, Judge, I don't
7 think that I am moving 10-H as admission. I marked that
8 more for admission. 10-G is the package that Detective
9 Sullivan made.

10 THE COURT: All right. So I will admit 10-G
11 and 10-H I will take as a demonstrative exhibit; is that
12 correct?

13 MR. PRETTYMAN: Yes, sir.

14 THE COURT: All right. Any objection to that?

15 MR. BENSON: No.

16 THE COURT: Then they're accepted on that
17 basis.

18 *** (Plaintiff's Exhibit No. 10-G was received
19 into evidence.)

20 THE COURT: You intend to call your client to
21 testify?

22 MR. BENSON: Yes, your Honor.

23 THE COURT: I have a matter scheduled at 12:00
24 and we need to figure out exactly what to do in terms of
25 scheduling, how long you think you'll be. Do you have

1 any estimate for how long you'll be on direct?

2 MR. BENSON: I wouldn't think -- 45 minutes,
3 maybe. I'm guessing. I really don't know, to be honest
4 with you.

5 THE COURT: Okay.

6 MR. BENSON: 45 minutes.

7 THE COURT: Do you have anything else planned
8 other than that?

9 MR. BENSON: No.

10 THE COURT: All right.

11 Do you have anything else that you intend to
12 do?

13 MR. PRETTYMAN: Your Honor, it depends on
14 what the testimony would be, whether any rebuttal --

15 THE COURT: Why don't I take this matter now
16 and we'll plan on coming back. I have another matter
17 scheduled at 2:00, with people coming in from out of
18 town also. Let's come back at 1:15, see what we get
19 done; all right?

20 MR. PRETTYMAN: Yes, your Honor. Thank you.

21 THE COURT: Is this other matter now ready?
22 Is the defendant here? Okay.

23 I will recess the Court from this matter and
24 I will turn to the next matter.

25 (Court recessed at 12:00 noon.)

1

2 AFTERNOON SESSION

3

4 (Proceedings resumed at 1:25 p.m.)

5

6 THE COURT: All right. Ready to proceed.

7 All right?

8 MR. BENSON: Yes. Your Honor, are we going
9 to stop at 2:00? Is that the idea?

10 THE COURT: Well, my thought is let's head
11 towards 2:00 and then see how much more we've got to do.

12 MR. BENSON: All right.

13 THE COURT: Whether I'm going to ask the
14 people to wait at 2:00 or whether we'll start again
15 tomorrow. It depends a little bit how much we can get
16 done.

17 MR. BENSON: I call Mr. Chambers.

18 THE COURT: All right.

19 - - -

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1

2 DEFENDANT'S TESTIMONY

3 CONTINUED

4

5 ... DARRYL CHAMBERS, having been
6 duly sworn as a witness, was examined
7 and testified as follows...

8 THE COURT: All right. Ready to proceed.

9 DIRECT EXAMINATION

10 BY MR. BENSON:

11 Q. Darryl, do you want to state your full name and
12 birth date, please?

13 A. My name is Darryl L. Chambers. My birth date is
14 2/3/69.

15 Q. Okay.

16 You have a nickname also people know you as?

17 A. Oh. Yes. Some people call me Wolfie.

18 Q. Wolfie?

19 A. Yes.

20 Q. Okay.

21 What is your educational background, Darryl?

22 A. Well, I just completed my last requirement for a
23 B.A. in sociology. I obtained it from the University of
24 California at Davis.

25 Q. What campus?

1 A. University of California at Davis.

2 Q. Davis?

3 A. Yes.

4 Q. Okay.

5 And so you've got a B.A. in --

6 A. Sociology.

7 Q. Sociology.

8 And since the date of the arrest, December
9 the 8th of '97, you've been incarcerated?

10 A. Yes.

11 Q. At Fairton?

12 A. Numerous -- numerous county jails, along with
13 Fairton.

14 Q. Okay.

15 Let's talk about the arrest and this incident.

16 And specifically your relationship with, first, Linette
17 Chambers (sic).

18 A. Crawford.

19 Q. Crawford. Excuse me.

20 Tell me about when you met Linette.

21 A. I met Linette about 1990.

22 Q. Okay.

23 And you've known her since 1990?

24 A. Yes.

25 Q. Did you know her in a social way?

1 A. Well, she was dating a friend of mine.

2 Q. Okay.

3 A. And that's how her and me became close.

4 Q. Okay.

5 At some point in the summer of 1997, you and
6 she developed a business relationship; is that not
7 correct?

8 A. Yes. Well, we had a -- we met July -- late July.
9 And it was when Delaware had the Joint Task Force
10 investigation with the State and the City combined.

11 Q. That was July of '97?

12 A. Yes. Late July of '97. And what happened after
13 that was that she brought the drugs back because I
14 believe it was heavy in the area.

15 Q. Let's stop for a moment. In July of '97.

16 Prior to July of '97, were you in school
17 full-time?

18 A. Yes.

19 Q. Where?

20 A. University of California, Davis.

21 Q. And how long had you been at that school?

22 A. I was there for two years.

23 Q. And when you say full-time, or when I say full-time,
24 what does that mean, exactly?

25 A. That means I was carrying a full course load.

1 Q. Were you living in California?

2 A. Yes. I --

3 Q. Were you coming back to Delaware at all?

4 A. Only during the summer months, the vacation months.

5 Q. Okay.

6 How about Christmas and Thanksgiving and all
7 of that?

8 A. I would miss, I think, every -- I missed the first
9 Christmas at home, because I was playing.

10 Q. Playing what?

11 A. I was playing basketball.

12 Q. Okay.

13 A. The next year I was a coach and the head coach
14 allowed me to come home.

15 Q. Okay.

16 And that would have been in December of '96?

17 A. Yes, to '97.

18 Q. Okay.

19 And before you went to California at Davis
20 campus, were you in college somewhere else?

21 A. Yes.

22 Q. Where was that?

23 A. Armstrong State.

24 Q. And where is that?

25 A. That's in Savannah, Georgia.

1 Q. And were you there as a full-time student?

2 A. Yes.

3 Q. Did you live there?

4 A. Yes.

5 Q. Other than the summer months?

6 A. Yes.

7 Q. Now, in the summer months, you came back to
8 Delaware?

9 A. Yes.

10 Q. Did you work in the summer?

11 A. I did a lot of volunteer work at several youth
12 centers down in Kingswood along with Mark Sills. He
13 always had me chaperoning kids to numerous events
14 throughout the State. But the majority of the time I
15 spent with the Sonny Hill camp that summer, I believe.

16 Q. Now, what summer is this? '96?

17 A. This is the summer of -- the summer that I came
18 home from Savannah.

19 Q. So that was '95?

20 A. Yes. And Sonny Hill is a guy who run the
21 professional basketball league up at Temple University,
22 McGonigle Hall, and he had a little summer league where
23 he wanted someone who had made positive strides in the
24 community to get the kids together and act as a mentor
25 to and a coach to these children during the summer.

1 Q. And you did all of that?

2 A. Yes.

3 Q. So you were at school in California and in Georgia
4 for the preceding four years before the summer of '97?

5 A. In -- yeah. California, two years.

6 Q. And --

7 A. Georgia, then California preceding Georgia.

8 Q. So California, Georgia, then back to California?

9 A. Yes.

10 Q. And the total of four years?

11 A. Five.

12 Q. Five years? Okay.

13 So now we're in the summer of '97. Are you
14 working the summer of '97?

15 A. Yes.

16 Q. Doing what?

17 A. I'm a tennis instructor for the Wilmington Youth
18 Tennis Council, I believe the name of it is.

19 Q. Were you getting paid for that?

20 A. Yes.

21 Q. How much?

22 A. I was getting paid \$9 an hour.

23 Q. Okay.

24 Now, at some time in July, you reacquaint
25 yourself with Linette Crawford; is that right?

1 A. That's true.

2 Q. And you talked about the Task Force, the Joint
3 Task Force, so there was some -- obviously, you started
4 dealing drugs; is that right?

5 A. That's correct.

6 Q. You were dealing drugs in July of '97? You admit
7 that, do you not?

8 A. Yes.

9 Q. All right.

10 Will you tell the Judge, please, the --
11 approximately the first time you met Linette and how
12 you two established this relationship?

13 A. You're talking about when this conspiracy that
14 we're involved in? Or when I first met her?

15 Q. July of '97.

16 A. Oh, I met her, it was late July.

17 Q. Late July of '97.

18 A. Police was heavy in the area and I asked Miss
19 Crawford, could she please take this package home for me
20 and bring it back later. And she did.

21 Q. She knew it was drugs, presumably?

22 A. Presumably, it was drugs.

23 Q. Did you tell her it was drugs?

24 A. I never told her it was drugs.

25 Q. But it was safe to presume that?

1 A. Yes.

2 Q. What was the quantity you're talking about?

3 A. About a quarter-key.

4 Q. Was it powder or crack?

5 A. Powder.

6 Q. So she took it home and she brought it back?

7 A. Yes. She brought it back that evening. I said you
8 and me really talk, I'm saying, because I'm in a safe
9 situation, since I knew her so long and I thought I could
10 trust her a little. I said we need to talk about
11 something. We went on about playing tag about me talking
12 to her and finally in August I got a chance to talk to
13 her. And she agreed to hold it and she didn't specify
14 an amount that she wanted.

15 Q. As far as pay for doing this?

16 A. Yes.

17 Q. For helping you?

18 A. What she said was that the only bill I have to pay
19 in my house is my phone bill. My uncle calls his
20 girlfriend in Chester and other than my boyfriend calling
21 home from being incarcerated, the only bills you have to
22 pay.

23 Q. And if he calls home from Gander Hill, it's a
24 collect call?

25 A. I don't know. I don't know where --

1 Q. Well, from prison, it's always a collect call,
2 isn't it?

3 A. Yes.

4 Q. So she wanted you to pay her phone bill?

5 A. Yes.

6 Q. And you agreed to do that?

7 A. Yes.

8 Q. And that started in August or September?

9 A. That started in August.

10 Q. Paying the phone bill?

11 A. Yes.

12 Q. How often would you see Linette in August?

13 A. Oh, I would see her most every day.

14 Q. And would you give her drugs every day to hold?

15 A. No.

16 Q. Okay.

17 How often in August would you give her drugs
18 to hold for you?

19 A. I would give her drugs to hold maybe like four or
20 five times at first.

21 Q. Now, what does that mean, four or five times? ?
22 In a week, in a month?

23 A. No. In a week. In a week.

24 Q. Okay.

25 Would you explain to the Judge exactly how

1 this all worked?

2 A. What I would do is that I would first get a package
3 of cocaine and I would break it down into four separate
4 intervals.

5 Q. Okay.

6 A. Not intervals. Well, pieces.

7 Q. Explain. You've got to deal in numbers here. A
8 package of cocaine, you're talking about a key of
9 cocaine?

10 A. Yes.

11 Q. And this is powder?

12 A. Yes.

13 Q. And then you would break it down into quarter-keys?

14 A. Yes.

15 Q. And you would wrap it?

16 A. Yes.

17 Q. And the masking tape or the duct tape that we're
18 all talking about here, the gray duct tape?

19 A. And then I would go over to Nettie's house and me
20 and her would sit down. I would tell her, put these
21 three up and I'm going to carry this one with me.

22 Q. Okay.

23 A. And then --

24 Q. When did this start?

25 A. This started around early August.

1 Q. Okay.

2 A. Early August.

3 Q. So you would bring over four quarter-keys?

4 A. Yes.

5 Q. Of powder cocaine, leave it at Linette's house, and
6 then you would take one of the -- you would take a quarter
7 with you?

8 A. That's correct.

9 Q. Okay.

10 And then what would happen?

11 A. After that, I --

12 Q. Would you sell it?

13 A. Well, I would proceed to sell some and then what I
14 didn't have -- what I didn't sell, I would wrap up.
15 Either she would come and get it or I would take it to
16 her.

17 Q. Okay.

18 And then this would happen every day?

19 A. Every day, except Sunday.

20 Q. Accept Sunday?

21 And how long would it take you to sell the
22 four quarter-keys?

23 A. About a month.

24 Q. So the whole month of August it took you? You used
25 the whole month of August?

1 A. How long would it take me to sell four quarter-keys?

2 Q. A key, basically.

3 A. Oh, a key? It took me about a week to sell a key.

4 Q. A week to sell one key?

5 A. Yes.

6 Q. So in the month of August, you sold four keys of
7 powder cocaine is what you are saying?

8 A. Yes.

9 Q. Okay.

10 And so --

11 A. Approximately three. Approximately four. It could
12 have been three.

13 Q. Okay.

14 Three or four keys of powder cocaine you're
15 admitting to selling in August?

16 A. Yes.

17 Q. Now, in August, was there any crack cocaine that
18 you had possession of or that you sold?

19 A. No.

20 Q. Linette, I believe, testified -- and I may be
21 mistaken here -- that in August she saw a ball --
22 actually, that may have been September. Did she see
23 any crack cocaine or did you possess any crack cocaine
24 or give her any crack cocaine to hold for you in
25 August of '97?

1 A. No.

2 Q. Okay.

3 Now, at some point, you meet Faye Bullock?

4 A. Yes.

5 Q. And when did that happen?

6 A. During this conspiracy or when the first time I
7 ever met her?

8 Q. Well, first time.

9 A. First time I ever met her, I was coming home from
10 Georgia -- no, California, my second year, and I had
11 some basketball gear for one of the guys. And one of
12 the guys was friends with her boyfriend, and that's the
13 first time I met her.

14 Q. So that's a couple years ago?

15 A. Yes.

16 Q. Now, at some point you see her in -- sometime in
17 August or September of '97; is that right?

18 A. Yes.

19 Q. And she attempts to borrow money from you?

20 A. Well, she has someone else to do it.

21 Q. Why don't you tell the Judge what happens?

22 A. This girl walks up to me, a friend of hers, and
23 says, My friend want to know, can she borrow some money,
24 because she's got to pay her phone bill, or electric --
25 security bill. I think it was an ADT bill. She said,

1 can you loan it to her? She said she'll pay you back.

2 And I said no.

3 Q. Does she tell you who it was? Did she say it was
4 Faye?

5 A. Did she say it was Faye?

6 Q. Yes. Did she tell you who wanted to borrow the
7 money?

8 A. Yes. She said Faye wanted to borrow the money.

9 Q. You said this girl.

10 A. At first she said my friend and then later on she
11 said Faye.

12 Q. You refused to loan it to her?

13 A. I said no.

14 Q. Go ahead.

15 A. After that right there, the next day I see her.

16 Q. See who?

17 A. I see Faye.

18 Q. Okay.

19 A. So I give Faye the money, but in exchange I said I
20 want to just stand on your back step and sell drugs. I'm
21 not going to bring no drugs into your house.

22 Q. What did she say to that?

23 A. She said it's okay.

24 Q. So at some point you started doing that?

25 A. Yes.

1 Q. When was that?

2 A. Maybe -- well, I gave her the money that day.

3 Q. What day was that, approximately?

4 A. Sometime around 7th to the 10th of September.

5 Q. Okay.

6 And when did you start going to her house
7 and selling off her back porch?

8 A. About three days later.

9 Q. So somewhere between the 10th and 13th of
10 September?

11 A. Yes.

12 Q. Around the middle of September?

13 A. Yes.

14 Q. And how were the drugs gotten to you or how did you
15 end up getting the drugs when you were dealing at Faye's
16 house from her porch?

17 A. Well, me and Linette would have prearranged drop-off
18 spots and times.

19 Q. All right.

20 A. So sometimes I will pick the drugs up on Jensen
21 Drive. I would pick the drugs up on Claymont Street or
22 I will go to her house.

23 Q. Her house, meaning Linette's house?

24 A. Linette's house.

25 Q. All right.

1 A. Or Linette would drop them off at the football
2 game or she might be at the liquor store.

3 There's a number of places where I would drop
4 and pick off stuff.

5 Q. And what was the quantity that Linette would drop
6 off to you?

7 A. Quarter-keys.

8 Q. Always quarter-keys?

9 A. Quarter-keys. If I had like, maybe like two ounces
10 left over from the previous night, I will bring that, too.

11 Q. Now, would -- when you say quarter-keys, would it
12 be like in a particular night, if you had two or three
13 ounces left over from the night before, she would bring
14 one quarter-key plus the leftover?

15 A. Yes. I would instruct her to bring the little
16 package and bring one of the peanut-shaped items.

17 Q. Okay.

18 And that was the quarter-key?

19 A. Yes.

20 Q. Did she ever bring you more than a quarter-key at
21 any particular time? I mean wrapped in a peanut-shaped
22 thing?

23 A. No. No, not shaped like a peanut.

24 Q. Was it wrapped in any other way?

25 A. No.

1 Q. So the most she ever brought you was a quarter-key
2 at one time plus the leftover from the night before?

3 A. Yes.

4 Q. Now, how long did you cook off -- I'm sorry. How
5 long did you sell off of the back steps of Faye's house?

6 A. All the way up to December the 8th.

7 Q. Well, I guess that -- before -- let me rephrase
8 that.

9 You were not going in Faye's house for a
10 period of time?

11 A. Correct.

12 Q. And that's the time that you started selling at
13 Faye's house was around the 10th to the 13th of
14 September?

15 A. Yes.

16 Q. For what period of time did you not go into Faye's
17 house that you were selling off the back?

18 A. Three weeks.

19 Q. About three weeks?

20 A. Yes. Three weeks.

21 Q. Are you sure of that?

22 A. At least three weeks. Yes. I'm sure of that.

23 Q. What makes you so sure?

24 A. Because my son had a birthday party on the 27th of
25 September.

1 Q. Okay.

2 A. And I remember I was still trying to gain Faye's
3 trust. So I invited the kids over to the party. And --

4 Q. You invited her kids over?

5 A. Yes.

6 Q. And at that point -- as of September the 27th, you
7 were not going into her house?

8 A. That's correct.

9 Q. Okay.

10 You mentioned you have a son. How old is
11 that son?

12 A. He's six. He'll be seven September the 23rd.

13 Q. Okay.

14 So on September the 23rd, is it?

15 A. 27th, because his birthday --

16 Q. September 27th?

17 A. Yes. We had a party on that Saturday.

18 Q. His birthday is the 23rd, but the party is the 27th?

19 A. Yes.

20 Q. And you invited Faye's children?

21 A. Yes.

22 Q. Where is the party?

23 A. In back of Nicole's home.

24 Q. Your girlfriend?

25 A. Yes.

1 Q. What was that address?

2 A. 1308 East 28th Street.

3 Q. That's where you were staying?

4 A. That's where I was living periodically, with my
5 mother.

6 Q. You were living with your mother, you had a son
7 with Nicole and Nicole and your son lived at that address
8 and you would stay there periodically?

9 A. Yes.

10 Q. So as of September 27th, you had still not gained
11 access to Faye's house?

12 A. No.

13 Q. Now, the drugs that Linette was delivering to you
14 in September, were any of those drugs crack cocaine?

15 A. No.

16 Q. Did you ever have any crack cocaine that you were
17 selling, other than the crack that you have admitted and
18 will admit today under oath to cooking at Faye's house?

19 A. No.

20 Q. Never?

21 A. No.

22 Q. Never sold crack cocaine, other than the crack that
23 you cooked up at Faye's house, starting at some future
24 point; is that right?

25 A. That's correct.

1 Q. That's your testimony under oath?

2 A. That's my testimony.

3 Q. Okay.

4 Now we're into -- well, let me rephrase it.

5 After the party on September the 27th, how
6 long after that date did you gain access to Faye's house?

7 A. I gained access to her house about two weeks after
8 that.

9 Q. So sometime in the -- in the first week or
10 thereabouts of October?

11 A. Because what happened was the police had came. And
12 when the police came, I said -- I got kind of scared
13 because they got close that time to me. So I asked her,
14 I said, When the police come, let's make the agreement
15 that when the police come, I will come in there. I will
16 still leave the drugs outside. She said okay.

17 Q. Okay.

18 And so when did the police come the first
19 time, that you can remember?

20 A. Around about the 10th.

21 Q. Of September? I mean October?

22 A. October.

23 Q. And you went into the house?

24 A. Yes.

25 Q. Now, before that, were you -- did you have access

1 to the house for purposes of using the phone?

2 A. Oh, yes. I'm saying she let me use the phone, but
3 you couldn't bring no drugs in there. I could stand
4 there -- once I hung up the phone, it was like, out the
5 house.

6 Q. So starting around the 7th to the 10th of October,
7 she allowed you to come into the house when the police
8 were around?

9 A. Yes.

10 Q. At some point she allowed you to come in the house
11 on a regular basis?

12 A. See, what happened was that maybe a week later,
13 when I went in the house again, because the police came,
14 someone had stole the drugs that I had planted in the
15 trash.

16 Q. Someone stole them?

17 A. So I told her, let me stash them in here, because
18 I can't risk losing nine ounces like that.

19 Q. Okay.

20 A. So she agreed to that as long as I didn't have any
21 company.

22 Q. Have any company?

23 A. Yeah.

24 Q. So any customers?

25 A. Yes.

1 Q. Or whatever? Okay.

2 So when would you say you started being in
3 the house on a regular basis?

4 A. Near the middle of October.

5 Q. Okay.

6 Now, at some point after you gained access to
7 the house, a woman came over, according to what Faye's
8 testimony was, and cooked up a batch of crack cocaine?

9 A. Yes. See what happened was that Faye gave me a
10 key.

11 Q. All right.

12 A. Faye gave me a key because I said that sometimes I
13 would like to get in there early, because Faye was -- had
14 to go get her kid and she was getting home kind of late.

15 Q. What does late mean?

16 A. Around 7:00.

17 Q. Okay.

18 A. So I was trying to get there kind of early, around
19 6:00, as soon as nightfall.

20 So one day when she came home, she came about
21 6:15. She caught the lady in there showing me how to
22 process cooking hydrochloric acid I believe is the
23 specific name --

24 Q. Right.

25 A. -- into crack cocaine.

1 Q. And do you remember what that date might have
2 been?

3 A. That was near the -- near the end of October.

4 Q. All right.

5 Now, so you're talking about like the third
6 week or thereabouts of October?

7 A. Yes, third week.

8 Q. And what was the quantity that this woman was
9 cooking up?

10 A. It was an eight-ball, because I was just
11 experimenting. I didn't want to, you know --

12 Q. What is an eight-ball?

13 A. 3.5 grams.

14 Q. And this was the first time that you had cooked
15 crack --

16 A. Yes.

17 Q. -- in Faye's house? Or that crack had been cooked
18 in Faye's house with you being there?

19 A. Yes.

20 Q. That you're aware of?

21 A. Yes.

22 Q. Then it happened again, a couple days after that?

23 A. Yes.

24 Q. What happened to those drugs, by the way, that that
25 first lady cooked up?

1 A. I bagged them up and sold them as dimes.

2 Q. Okay.

3 And how much did you receive as a result of
4 that sale?

5 A. Out of those sales, you can usually bag up between --
6 if I'm not mistaken, you might be able to bag up like 20
7 dimes.

8 Q. Okay.

9 So that's \$200?

10 A. \$200, give-and-take a couple, so you might make 150.

11 Q. All right.

12 Now, there was a second time that the drugs --
13 that powdered cocaine was cooked into crack; is that
14 right?

15 A. Yes.

16 Q. By a woman?

17 A. Yes.

18 Q. And that was a different woman?

19 A. Yes.

20 Q. And how long after the first woman did the second
21 woman do this?

22 A. About five days.

23 Q. Okay.

24 So that would have put it in the latter part
25 of October again?

1 A. Yes.

2 Q. And what was the quantity of those drugs that were
3 cooked up?

4 A. It was another eight-ball.

5 Q. Another eight-ball? Okay.

6 Was Faye there when that happened?

7 A. See, I always try to use discretion. I try not to
8 do it while they're there.

9 Q. Okay.

10 A. See, but Faye walked in on me again. She caught
11 me again doing it.

12 Q. Right.

13 A. Because I always try to be real, real discreet
14 about certain things around the young ladies and she
15 just so happened to catch me again.

16 Q. So she saw that?

17 A. Yes. She didn't actually -- she knew something
18 was being cooked, because when she come in, she looks
19 and she keeps right on moving.

20 Q. Right.

21 A. She don't really like ask a lot of questions.

22 Q. And they were the first two times that crack
23 cocaine was cooked with you being present in Faye's
24 house?

25 A. Yes.

1 Q. Did you cook it any other time during that period
2 where Faye didn't catch you?

3 A. No.

4 Q. It just so happened --

5 A. Every time I cooked, she caught me.

6 Q. Right.

7 A. I wasn't supposed to have been doing it.

8 Q. Right.

9 Now, at some point after those first two
10 times, you started cooking crack cocaine yourself?

11 A. Yes.

12 Q. Now, in order to cook the crack cocaine, you
13 learned what you had to do?

14 A. Yes.

15 Q. What did you go out and buy and where did you buy
16 it and what quantity?

17 A. Well, first, I bought a little Pyrex. It is -- I
18 think it might be 16 -- 16-ounce Pyrex they sell. It
19 costs \$5 up at the store up on Miller Road. I forgot
20 the name of the shop.

21 Q. Okay.

22 A. But I bought one of those first, because you don't
23 need -- you don't need nothing real, real big to cook the
24 little quarters that I was cooking at the time.

25 So when I bought it, I cooked, like, two

1 quarters for like the previous week, two times a week I
2 cooked a quarter each time.

3 Q. And what's a quarter?

4 A. 7 grams.

5 Q. 7 grams you cooked?

6 A. Yes.

7 Q. And so if you cook 7 grams, you cook that at one
8 seating, one session?

9 A. Yes.

10 Q. And how much bicarbonate of soda would you put into
11 7 grams?

12 A. I usually put 7 on 7.

13 Q. So you put 7 grams?

14 A. Well, I put one on one. So if I cooked 3.5, I put
15 3.5. If I cook 14 grams, I put 14 grams of sodium
16 bicarbonate or baking soda.

17 Q. Well, you have been here for this hearing for two
18 days?

19 A. Yes.

20 Q. And you heard the officer -- an agent testify, I
21 believe, that it's three to one, three grams of powder --

22 A. Yes, but he was an expert. So he would know better
23 the ratio to do than I do.

24 Q. But you're saying that the ratio that you used was
25 one to one?

1 A. Yes.

2 Q. So if you put three grams of cocaine and you're
3 cooking a powder into crack, you would put three grams
4 of bicarbonate, sodium bicarbonate?

5 A. Yes.

6 Q. And so you then -- you start out with 6 grams.

7 And what would you end up with?

8 A. It depends on, like, the -- expert said the purity
9 of the cocaine.

10 Q. And if yours is real pure?

11 A. If it's real pure, it might come back to the whole
12 3.5.

13 Q. It would come back to the same thing?

14 A. Majority of the time, in Delaware it's going to come
15 to 2.73.

16 Q. So you are saying it would be less weight?

17 A. Yes. It's definitely going to come up less.

18 Q. If you are cooking up 7 grams of powder and you're
19 putting 7 grams of bicarbonate of soda --

20 A. You're going to get 6 grams, on average.

21 Q. Of crack?

22 A. Yes.

23 Q. All right.

24 How many times -- what was the quantity that
25 you typically would cook up?

1 A. Well, like I said, I first started with eight-balls,
2 because --

3 Q. Well, that's the two girls?

4 A. Yes, for the two girls, because I was -- I was --
5 all I sold was powdered cocaine. So, like Officer
6 Sullivan said, supply and demand. Everybody was selling
7 crack, so I sold the powder. So since I sold the powder,
8 I had the powder market virtually locked. So I had no
9 need to sell crack.

10 But then as things developed and I seen that
11 it was more profit being made in it, I tried to test the
12 market.

13 Q. In crack?

14 A. Yes.

15 Q. When did you start cooking the crack yourself?

16 A. Like I said, near the third week of October.

17 Q. You started cooking?

18 A. Yes.

19 Q. You, personally?

20 A. Yes.

21 Q. Okay.

22 And was -- was Faye present when you cooked
23 this crack up?

24 A. Like I say, she came -- do you want the first two
25 times?

1 Q. No. I'm talking about after that. When you
2 personally started?

3 A. No. I didn't ever believe she was in the kitchen.
4 She might be in the dining room, but not in the kitchen.

5 Q. When did you personally start cooking up crack?

6 A. In late October.

7 Q. You personally started in late October?

8 A. Yes.

9 Q. Okay.

10 And how often would you cook the crack?

11 A. I would cook crack -- well, I first cooked a
12 quarter after the two incidents with the lady.

13 Q. Right.

14 A. I cooked a quarter, right, and then I cooked
15 another quarter this week.

16 Q. Would this have been the third or fourth week in
17 October you're talking about?

18 A. No. Now we're at the dead end of -- we're at the
19 dead end of October.

20 Q. Okay.

21 A. Going into --

22 Q. November?

23 A. -- November.

24 Q. Okay.

25 So the last week of October, beginning of

1 November, you -- that's when you cooked, on two
2 occasions?

3 A. Yes.

4 Q. And what was the quantity, if you can remember?

5 A. They were quarters.

6 Q. They were quarter-keys?

7 A. No. Quarter-ounces.

8 Q. Oh, quarter-ounces?

9 A. Yes.

10 Q. Okay.

11 They were quarter-ounces?

12 A. Yes.

13 Q. So now how many -- now, what is a quarter-ounce?

14 A. That's 7 grams.

15 Q. Okay.

16 7 grams. So you cooked 7 grams and you put 7
17 grams of sodium bicarbonate or bicarbonate of soda and
18 that cooks out to about 6 grams of crack?

19 A. Yes.

20 Q. You sell that. What do you sell 6 grams of crack
21 for?

22 A. You might make about 300.

23 Q. Okay.

24 And you did this on two occasions in late
25 October, November.

1 Then, when was the next time you cooked?

2 A. Maybe about a week later.

3 Q. Okay.

4 A. Because now people started noticing I had it, so I
5 started cooking up bigger quantities.

6 Q. Now, you mentioned you started out with a small
7 Pyrex --

8 A. Yes.

9 Q. -- cooking bowl?

10 A. Yes.

11 Q. Eventually, you got a bigger bowl?

12 A. Yes. Then I got the bowl that the Government
13 seized.

14 Q. Right.

15 A. And when -- so now the half-ounces can't fit into
16 the little mixing bowl, because now it spills over when
17 you put the water on.

18 Q. Okay.

19 Now, half-ounce is how many grams?

20 A. 14.

21 Q. Okay.

22 So you were cooking 7 grams. Now you move up
23 to 14 grams?

24 A. Yes.

25 Q. You've got 14 grams of powder and you put 14 grams

1 of --

2 A. Sodium bicarbonate.

3 Q. With the water. And it cooks down to what weight?

4 A. 12, 13.

5 Q. 12 or 13 grams?

6 A. Grams.

7 Q. And you sell that?

8 A. Yes.

9 Q. Along with the powder you're selling?

10 A. Yes.

11 Q. Now, when -- explain what's going on in Faye
12 Bullock's house in November, while you're doing all of
13 this? Who's present? Explain to the Judge how the
14 system worked, as far as Linette, Faye, et cetera.

15 A. You're talking about the delivery?

16 Q. Everything.

17 A. Okay.

18 So now we eventually got our routine down pat.

19 I call -- I call Miss Crawford.

20 Q. Now, you say you call her. How do you call her?
21 By phone, beeper?

22 A. Sometimes I page her, she page me back. Sometimes
23 I call her directly from the phone, and I tell her, Meet
24 me at a certain place, or meet me down Miss Bullock's
25 home.

1 Q. This is November?

2 A. Yes. This is November.

3 Q. Go ahead.

4 A. Some nights -- some days we'll just sit in there
5 and talk and I wouldn't sell no drugs at all.

6 Q. All right.

7 A. We'll just sit in there and talk all day long and
8 gossiping. I will be eating beers and pizza. I buy
9 pizza for the kids.

10 Q. You're talking nights?

11 A. I say day, but it's nights because I only come out
12 in the evening.

13 Q. Some nights Faye and Linette would sit around with
14 you and eat pizza and beer.

15 A. Yes. Sometimes I would buy the kids something to
16 eat.

17 Q. Those nights, she would still bring up drugs?

18 A. Yes.

19 Q. You would hang together?

20 A. Yes.

21 Q. Some nights you would sell drugs, some nights you
22 wouldn't.

23 How many nights in October and November,
24 those two months, was Linette at Faye's house?

25 A. Majority of the time.

1 Q. Well, what's majority? 51 percent or 90 percent?

2 A. No. 90, around 90.

3 Q. That's what Faye said?

4 A. Yes. A high percentage.

5 Q. High percentage.

6 And when Linette was there, would she stay in
7 the house all night long? Would she leave? Would she
8 come and go?

9 A. Well, they would both come and go. She wouldn't
10 always stay there the entire night. Sometimes she'll
11 come there for an hour. She might have to go pick her
12 little son up. Then she'll come back. Then she might
13 run down there to the football field and gather all the
14 kids, come back, and then we'll just sit down and talk,
15 or I might go out back while they're inside.

16 Q. All right.

17 A. So it varied.

18 Q. Now, Faye said in a 302 that you -- she observed
19 you cooking crack three or four times a week?

20 A. Right.

21 Q. Now, is that -- is that true or false or do you
22 have --

23 A. I think she seen me cook crack two times in a week.

24 Q. Okay.

25 A. Because I never recall -- as a matter of fact, and

1 I know I'm from low income, but my memory is kind of
2 good. And the thing about this is that I do recall I
3 never cooked twice -- no more than twice in one week.

4 Q. And what was the most you ever cooked of powder
5 cocaine into crack cocaine in any particular session?

6 A. An ounce. An ounce.

7 Q. An ounce is the most?

8 A. Yes. And I never cooked more than an ounce in one
9 week ever.

10 Q. Okay.

11 So if you cooked an ounce, that would be the
12 only -- only quantity you would cook in a week? How many
13 grams in an ounce?

14 A. 28.

15 Q. And so you would put 28 grams -- could you cook that
16 at one session?

17 A. Yes, because I had a larger mixing bowl.

18 Q. You take 28 grams of powder. You put 28 grams of --

19 A. Sodium bicarbonate.

20 Q. -- sodium bicarbonate. Put it together, which is
21 56 grams. You add water.

22 How much water do you put in?

23 A. Just enough to saturate the mixture.

24 Q. And then it cooks down?

25 A. Yes.

1 Q. Okay.

2 And how long does that take?

3 A. It depends on how high you have the fire. It
4 depends.

5 Q. Okay.

6 A. If I'm in a rush, I might just do it in about seven
7 minutes, ten minutes. If I want it cooked, I can do it
8 in about 15.

9 Q. Okay.

10 Now, Linette testified that she was there on
11 two occasions when you cooked up powder into crack
12 cocaine.

13 A. Yes.

14 Q. Do you agree that that is true?

15 A. Yes, I do.

16 Q. Okay.

17 Was there -- were there ever times when you
18 would cook crack cocaine, that it didn't sell that night,
19 or all of it sell that night?

20 A. Many nights.

21 Q. And what would you do with that?

22 A. I would wrap it back up and take the drugs over to
23 Miss Crawford's home, or some nights, if it was the
24 weekend, I will leave it at Miss Bullock's home, because
25 that was our agreement: For Miss Bullock to hold the

1 drugs on the weekends, because only reason why Miss
2 Bullock didn't hold the drugs more often was because she
3 was scared to hold it on the weekdays because she was
4 afraid that WHA, which is the governing body, which
5 governed the projects, would come into the house and
6 search and find drugs.

7 Q. And then she'd be evicted?

8 A. Yes. She wasn't afraid on the weekends because
9 they don't work on the weekends.

10 Q. In November, now, you're selling powder and you're
11 selling some crack cocaine?

12 | A. Yes.

13 Q. Is that right? Starting late October, November?

14 A. Yes.

15 Q. How often, from the time you started cooking crack
16 cocaine, up until you got arrested on December the 8th,
17 would you say you cooked crack in Faye's house?

18 A. How many times?

19 Q. How many times?

20 A. Between five and ten.

21 Q. Okay.

22 So a total of -- a maximum of ten times?

23 A. Yes.

24 Q. And what was the weight, average, or --

25 A. Average weight? I can tell you exactly. I can

1 give you an exact number if you give me a minute.

2 Q. Go ahead.

3 (Pause.)

4 THE WITNESS: Eight. Eight.

5 BY MR. BENSON:

6 Q. Eight what?

7 A. I cooked eight times.

8 Q. You cooked eight times? And what was the weight
9 that you cooked?

10 A. With the first two ladies, it was two eight-balls.
11 And then the week after that, it was a quarter. And I
12 remember holding onto it for a little while, then there
13 was another quarter.

14 Q. Now, quarter of what?

15 A. That's a quarter-ounce, 7 grams.

16 Q. Quarter-ounce, not a quarter-key?

17 A. No, not a quarter-key.

18 Q. Quarter-ounce?

19 A. Yes.

20 Q. Okay.

21 A. I never cooked more than an ounce.

22 Q. Never cooked more than an ounce?

23 A. Yes. So everything I'm saying, we're dealing with
24 ounces. So we're talking about half-ounce, quarter to a
25 quarter-ounce.

1 Q. So even if you cooked an ounce --

2 A. It's only one ounce.

3 Q. -- one ounce. If you cooked it 16 times, that
4 would only be a pound; right?

5 A. Sometimes --

6 Q. Am I right or wrong?

7 A. What?

8 Q. If you cooked an ounce 16 times from October
9 through November, that would be a pound?

10 A. That's correct.

11 Q. And that would still be less than a key?

12 A. Yes.

13 Q. If you -- if you were to double -- double what you
14 say you cooked eight times, if you cooked it 16 times,
15 you never cooked more than an ounce, ever?

16 A. In what particular setting?

17 Q. Yes.

18 A. No.

19 Q. And an ounce of powder would cook down to less than
20 an ounce; is that right?

21 A. Between 24 -- like the officer said, it really
22 depends on the period you have the cocaine. So sometimes
23 it would be 21 when you get the garbage out, as he
24 explained, or you get the good stuff, where it comes back
25 to 27. But the majority of time, from my experience, it

1 always comes back to 24, in that area.

2 Q. Now, again, you get powder cocaine.

3 A. Yes.

4 Q. And you get it somewhere, and then what do you do
5 with it when you get it?

6 A. First thing I do is I break it down into quarter-keys.

7 Q. So you get a key?

8 A. Yes.

9 Q. And then you break it down.

10 Now, where do you do that?

11 A. I might do it anywhere. I might do it in a vacant
12 house.

13 Q. Okay.

14 A. I might do it in my house. I might do it upstairs
15 in Faye's back bedroom. I might go over Nettie's house
16 and do it in Nettie's house.

17 Q. You break it down into quarter-keys?

18 A. Yes.

19 Q. You wrap it in the tape?

20 A. Yes.

21 Q. And then you take it to Linette?

22 A. Yes.

23 Q. And she holds it?

24 A. She will fit three in her little son -- her little
25 son have a yellow bag. She put three in the yellow bag

1 and put one in my black bag.

2 Q. All right.

3 A. Along with my bags and my cutting agent, she'll
4 have all of that in one bag.

5 Q. Okay.

6 A. So whenever I want it, she'll bring the whole bag.

7 Q. Okay.

8 And then she would bring the whole bag to
9 you?

10 A. Yes.

11 Q. Okay.

12 In November, there was a period of time when
13 you -- well, there was a time when you got shot?

14 A. Yes.

15 Q. Just, very briefly, explain to the Court the
16 circumstances surrounding that shooting.

17 A. It was late night, and these guys -- I got caught
18 in the crossfire.

19 Q. Were you involved in the shooting in any way?

20 A. No.

21 Q. Was it determined through investigation you were
22 an innocent victim?

23 A. Yes.

24 Q. Okay.

25 A. But as I read -- I think I read a report to where

1 somebody said that I was a victim of a drive-by shooting,
2 but -- a victim of an attempted robbery or a drug deal
3 gone bad, but that has never been proven.

4 Q. Well, is it true?

5 A. No.

6 Q. So what happened?

7 A. What happened was, as far as I know, the detective
8 never got back to me who was investigating.

9 Q. No. You were there somewhere and you got shot?

10 A. Yes.

11 Q. Tell the circumstances how you got shot.

12 A. Two cars pulled up. Gunfire erupted between the
13 two cars.

14 Q. Between the two cars?

15 A. Yes. I was talking to Miss Bullock at the time and
16 I got shot. I ran in Miss Bullock's home at first and
17 then I went, proceeded to Nicole, where Nicole took me to
18 the hospital.

19 Q. For a period of a couple weeks?

20 A. Yes.

21 Q. As Faye said, you chilled out or whatever it was?

22 A. Yes. I just chilled, because I was really going to
23 give the game up anyway. I wanted to leave the drug game
24 alone because Nicole had started her C.P.A. and I was
25 thinking about going back to grad school. And I

1 realized, you know, that money wasn't that enough. I
2 said it's time to leave it alone.

3 Q. What two weeks were these in November that you
4 stopped dealing drugs?

5 A. These are the middle weeks.

6 Q. Was it around Thanksgiving?

7 A. Before Thanksgiving.

8 Q. For two weeks?

9 A. Yes.

10 Q. And then at some point after the two weeks you
11 started back up?

12 A. Yes.

13 Q. The drugs?

14 A. Those are -- the two weeks after that.

15 Q. I didn't hear you?

16 A. Yes. You're right.

17 Q. And tell us about the scale, the circumstances
18 surrounding the purchase of the scale.

19 A. Okay. Well, the big scale costs \$65 at staples.
20 The other scale only cost a buck-25.

21 Q. You mean only?

22 A. The little scale.

23 Q. Yes?

24 A. So --

25 Q. What do you mean, only?

1 A. It costs 125.

2 Q. The little scale was more expensive than the big
3 scale?

4 A. Yes. The big drug dealer scale cost less than the
5 little drug dealer scale.

6 Q. Why did you have a ten-pound scale?

7 A. To make sure no one beat me when I went and
8 purchased a kilogram.

9 Q. What does that mean?

10 A. Beat me?

11 Q. Yes.

12 A. So nobody wouldn't short me on grams.

13 Q. In other words, the accuracy of it?

14 A. Yes.

15 Q. And that scale cost you \$65?

16 A. Yes.

17 Q. Now, when you were arrested on December the 8th,
18 in Faye's house there were 30 grams of crack cocaine.

19 A. Well, as I read the --

20 Q. Is that right or wrong?

21 A. They said it was outside in the overhang.

22 Q. Well, there were 30 grams found.

23 A. Yes.

24 Q. Now, where did they come from?

25 A. They were outside.

1 Q. Well, they were yours, weren't they?

2 A. Yes. Well, as a matter of fact, that's the last
3 time I had cooked up --

4 Q. And when was that? When was the last time?

5 A. I cooked up 7:00 o'clock that evening and I got
6 done around 8:30. And I had some left over, but because
7 I had finals due that week, and the girls were asking
8 for some money Friday so they took the kids shopping. I
9 said I'm going to cook up, even though I got a couple
10 bags left over, I'm going to cook up and make sure these
11 girls get their --

12 Q. So you cooked up an ounce?

13 A. Yes.

14 Q. That ended up being like 24 grams or thereabouts?

15 A. That was 24 grams. Exactly.

16 Q. And then you had like 6 or 7 grams left over?

17 A. Yes.

18 Q. And the combination is the 30 grams?

19 A. Yes. The combination of the two.

20 Q. Is that typical of the quantity of crack cocaine
21 that you would have at Faye's house at any particular
22 time?

23 A. Yes.

24 THE COURT: Let me stop for a minute and
25 talk about schedule.

1 How much longer do you think you'll be?

2 MR. BENSON: Not much longer, Judge, to be
3 honest with you. I'm sort of winding down. I don't
4 know about cross, of course.

5 THE COURT: I take it you'll be a while on
6 cross?

7 MR. PRETTYMAN: I think so, your Honor.

8 THE COURT: All right. Since I've got this
9 matter scheduled at 2:00, I've got people from out of
10 town. I think what I'm going to do is reschedule the
11 balance of this to tomorrow.

12 MR. BENSON: Judge, my only problem with
13 that is I've got multiple Superior Court appearances in
14 the morning. I know this certainly would take priority.
15 I just don't know how I can get them rescheduled.

16 THE COURT: We can reschedule this to the
17 afternoon, if you want to do that?

18 MR. BENSON: What I guess I need to do is call
19 my office at some point and contact your Honor about that.
20 I'm just not sure what my schedule is.

21 THE COURT: That's fine.

22 All right. We can plan on restarting tomorrow
23 at 1:00 or 1:30, if you want to do that?

24 MR. BENSON: If I may ask your Honor --

25 THE COURT: Why don't we just do this. For

1 me, it's easier to start in the morning. And so why don't
2 we assume we'll start at 1:30. But you can just go take a
3 break now, call your secretary. The two of you can come
4 back in and give me a time. If the time is 10:00 o'clock,
5 that's fine with me, and if it's 1:30, that's fine with
6 me.

7 MR. BENSON: I guess my question, if I may,
8 are you available pretty much that day, because I have a
9 couple case reviews and things like that. I might be
10 able to start at 11:00 or 11:30?

11 THE COURT: That's fine.

12 MR. BENSON: So it can be any time?

13 THE COURT: Well, any time from 10:00 o'clock
14 on.

15 MR. BENSON: That's what I've meant.

16 THE COURT: I've got to leave at about 3:15.

17 MR. BENSON: Okay. So that's fine. I just
18 wanted to make sure.

19 THE COURT: So any time in that block, if you
20 want to do that, that's fine with me.

21 MR. BENSON: I will call right outside.

22 THE COURT: And so we'll go into recess, and
23 in a few minutes or later this afternoon, you'll come back
24 in and tell me. I think what we really need to do is tell
25 the Marshals when to have Mr. Chambers here.

1 So why don't you come back in, if you can,
2 in a couple minutes and let me know what you've found out?

3 MR. PRETTYMAN: Thank you.

4 MR. BENSON: That's fine, Judge.

5 THE COURT: Okay. So we'll recess now and
6 we'll call the lawyers in for that civil case who are here.

7 All right. You may step down.

8 (Witness excused)

9 - - -
10 MR. PRETTYMAN: Your Honor, because of the
11 evidence, with respect to the drugs and other things, may
12 that stay in the custody of Detective Sullivan for the
13 purposes of this hearing?

14 MR. BENSON: I don't have a problem.

15 THE COURT: All right. That's fine.

16 MR. BENSON: Also, I may be going over to
17 Gander Hill. I presume it would be all right to talk to
18 my client?

19 THE COURT: Yes. My rule is if he's on cross,
20 then there's a problem. But he's not on cross.

21 MR. BENSON: Okay. I wasn't sure how that
22 worked. Thank you, Judge.

23 THE COURT: I'm assuming people are going to
24 want to have written comments to me about what the record
25 shows. What do you expect to do in terms of the final

1 presentation?

2 MR. BENSON: I wouldn't think it would be
3 necessary, your Honor, to have written comments. We're
4 going to finish up tomorrow.

5 THE COURT: If you want to plan on making
6 some summary statements tomorrow after the evidence is
7 in, that's fine with me. I'm not sure I'm comfortable
8 reaching any conclusions from the bench, but I may.
9 We'll talk tomorrow at the end about what you want to do
10 and if on sleeping on it you think you want to do a
11 written summary after we get the transcript, that's fine
12 with me. If you would rather go ahead and make comments
13 tomorrow, that's also fine with me. I'm not sure I'm
14 going to make a decision right away.

15 MR. BENSON: Yes. That's fine. I have no
16 problem with that. Thank you, Judge.

17 MR. PRETTYMAN: Thank you.

18 THE COURT: See people tomorrow and I will
19 see you in a couple minutes. You come into the courtroom
20 and I will interrupt things. Give me a time for tomorrow.

21 MR. BENSON: Okay.

22 (Court recessed at 2:08 p.m.)

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2 I N D E X

3 PLAINTIFF'S TESTIMONY

4 CONTINUED

DIRECT CROSS REDR RECR

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6 Detective Liam Sullivan ----- 3 44 110 ---

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8 DEFENDANT'S TESTIMONY

9 CONTINUED

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11 Darryl Chambers (the defendant) - 122 --- --- ---

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I hereby certify that the foregoing is a
and accurate transcript from my stenographic
notes in the proceeding,
Valerie J. Seering
Official Court Reporter
U. S. District Court